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Illinois Register

Rules of Governmental Agencies

Volume 23, Issue 47 — November 19, 1999

Pages 13,713 – 13,969

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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 16, 1999 - Issue 16: Through	March 31, 1999
July 16, 1999 - Issue 29: Through	June 30, 1999
October 15, 1999 - Issue 42: Through	September 30, 1999
January 21, 2000 - Issue 3: Through	December 31, 1999 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1999

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 21, 1998	January 4, 1999 *	Issue 28	June 28	July 9
Issue 2	December 28	January 8	Issue 29	July 6 ***	July 16
Issue 3	January 4, 1999	January 15	Issue 30	July 12	July 23
Issue 4	January 11	January 22	Issue 31	July 19	July 30
Issue 5	January 19	January 29	Issue 32	July 26	August 6
Issue 6	January 25	February 5	Issue 33	August 2	August 13
Issue 7	February 1	February 16	Issue 34	August 9	August 20
Issue 8	February 8	February 19 **	Issue 35	August 16	August 27
Issue 9	February 16 ***	February 26	Issue 36	August 23	September 3
Issue 10	February 22	March 5	Issue 37	August 30	September 10
Issue 11	March 1	March 12	Issue 38	September 7 ***	September 17
Issue 12	March 8	March 19	Issue 39	September 13	September 24
Issue 13	March 15	March 26	Issue 40	September 20	October 1
Issue 14	March 22	April 2	Issue 41	September 27	October 8
Issue 15	March 29	April 9	Issue 42	October 4	October 15
Issue 16	April 5	April 16	Issue 44	October 12 ***	October 22
Issue 17	April 12	April 23	Issue 43	October 18	October 29
Issue 18	April 19	April 30	Issue 44	October 25	November 5
Issue 19	April 26	May 7	Issue 45	November 1	November 12
Issue 20	May 3	May 14	Issue 46	November 8	November 19
Issue 21	May 10	May 21	Issue 47	November 15	November 29 *
Issue 22	May 17	May 28	Issue 48	November 22	December 3
Issue 23	May 24	June 4	Issue 49	November 29	December 10
Issue 24	June 1 ***	June 11	Issue 50	December 6	December 17
Issue 25	June 7	June 18	Issue 51	December 13	December 24
Issue 26	June 14	June 25	Issue 52	December 20	December 31
Issue 27	June 21	July 2	Issue 1	December 27	January 7, 2000

* Monday following a state holiday.

** Tuesday following a state holiday.

*** Since the state holiday is a Monday, the deadline is Noon on Tuesday.

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Administration of the Illinois Public Community College Act
- 2) Code Citation: 23 Ill. Adm. Code 1501
- 3) Section Numbers:
- | | |
|----------|-----------|
| 1501.501 | Amendment |
| 1501.503 | Amendment |
| 1501.507 | Amendment |
| 1501.508 | Repeal |
| 1501.509 | Repeal |
| 1501.511 | Amendment |
| 1501.515 | Repeal |
| 1501.516 | Amendment |
| 1501.517 | Repeal |
| 1501.518 | Amendment |
| 1501.519 | Amendment |
| 1501.520 | Amendment |
| 1501.522 | Repeal |
- 4) Statutory Authority: 110 ILCS 805/2-12, 2-16.02, 3-22.1, and 3-46.1

5) A Complete Description of the Subjects and Issues Involved: Sections 1501.501, 503, 507-709, 511, 515-519, 522. The proposed amendments are needed to provide clean-up of terms and processes and to institute new policies regarding ICCB restricted and special initiative grant funding. In recent years, the ICCB appropriation for grants to colleges has seen a marked increase in special focus grants designed to meet specific needs of the system. These grants are ever changing based on the needs of the community college during a given point in time. ICCB proposes to develop policies and expenditure guideline governing each restricted/special initiative grant. Policies and expenditure guidelines would be approved by the ICCB, published in the Fiscal Management Manual, and updated annually as needed.

Section 1501.520. The proposed amendments to Section 1501.520 are needed to (1) clarify the requirements students must meet to be eligible for and continue to participate in the scholarship program and (2) more clearly define the maximum dollars students can receive for each semester, including the summer.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

- 9) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
1501.203	Amendment	23 Ill. Reg. 13, January 4, 1999
1501.309	Amendment	23 Ill. Reg. 13, January 4, 1999
1501.505	Amendment	23 Ill. Reg. 13, January 4, 1999
1501.510	Amendment	23 Ill. Reg. 13, January 4, 1999
1501.603	Amendment	23 Ill. Reg. 13, January 4, 1999

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate on units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Cherie VanMeter
Administrative Aide
Illinois Community College Board
401 East Capitol Avenue
Springfield, Illinois 62701-1711
Telephone: (217)785-0053
Fax: (217)524-6195

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: No Regulatory Agenda was submitted by ICCB for 1999.

The full text of the Proposed Amendment begins on the next page:

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section	
1501.101	Definition of Terms
1501.102	Advisory Groups
1501.103	Rule Adoption (Recodified)
1501.104	Manuals
1501.105	Advisory Opinions
1501.106	Executive Director
1501.107	Information Request (Recodified)
1501.108	Organization of TCCEB (Recodified)
1501.109	Appearance at TCCEB Meetings
1501.110	Appeal Procedure
1501.111	Reporting Requirements (Repealed)
1501.112	Certification of Organization (Repealed)
1501.113	Administration of Detachments and Subsequent Annexations
1501.114	Recognition

SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section	
1501.201	Reporting Requirements
1501.202	Certification of Organization
1501.203	Delineation of Responsibilities
1501.204	Maintenance of Documents or Information
1501.205	Recognition Standards (Repealed)

SUBPART C: PROGRAMS

Section	
1501.301	Definition of Terms
1501.302	Units of Instruction, Research, and Public Service
1501.303	Program Requirements
1501.304	Statewide and Regional Planning
1501.305	College, Branch, Campus, and Extension Centers
1501.306	State or Federal Institutions (Repealed)
1501.307	Cooperative Agreements and Contracts
1501.308	Reporting Requirements
1501.309	Course Classification and Applicability

SUBPART D: STUDENTS

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

Section	
1501.401	Definition of Terms
1501.402	Admission of Students
1501.403	Student Services
1501.404	Academic Records
1501.405	Student Evaluation
1501.406	Reporting Requirements

SUBPART E: FINANCE

Section	
1501.501	Definition of Terms
1501.502	Financial Planning
1501.503	Audits
1501.504	Budgets
1501.505	Nonresident Student Tuition Calculations
1501.506	Published Financial Statements
1501.507	Credit Hour Claims <u>Grants</u>
1501.508	Special Populations Grants (Repealed)
1501.509	Workforce Preparation Grants <u>(Repealed)</u>
1501.510	Reporting Requirements
1501.511	Chart of Accounts
1501.514	Business Assistance Grants (Repealed)
1501.515	Advanced Technology Equipment Grants <u>(Repealed)</u>
1501.516	Capital Renewal Grants
1501.517	Retirees Health Insurance Grants <u>(Repealed)</u>
1501.518	Uncollectible Debts
1501.520	Lincoln's Challenge Scholarship Grants
1501.521	Technology Enhancement Grants
1501.522	Deferred Maintenance Grants <u>(Repealed)</u>

SUBPART F: CAPITAL PROJECTS

Section	
1501.601	Definition of Terms
1501.602	Approval of Capital Projects
1501.603	State Funded Capital Projects
1501.604	Locally Funded Capital Projects
1501.605	Project Changes
1501.606	Progress Reports (Repealed)
1501.607	Reporting Requirements
1501.608	Approval of Projects in Section 3-20.3.01 of the Act
1501.609	Completion of Projects Under Section 3-20.3.01 of the Act
1501.610	Demolition of Facilities

SUBPART G: STATE COMMUNITY COLLEGE

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

1501.701 Definitions of Terms
 1501.702 Applicability
 1501.703 Recognition
 1501.704 Programs
 1501.705 Finance
 1501.706 Personnel
 1501.707 Facilities

SUBPART H: PERSONNEL

Section
 1501.801 Definition of Terms
 1501.802 Sabbatical Leaves

AUTHORITY: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act [10 ILCS 805/Arts. II and III and 6-5.3].

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 reclassified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24239, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990; expedited correction at 18 Ill. Reg. 3027, effective August 20, 1990; amended at 15 Ill. Reg. 10329, effective July 11, 1991; amended at 16 Ill. Reg. 12445, effective July 24, 1992; amended at 16 Ill. Reg. 17621, effective November 6, 1992; amended at 17 Ill. Reg. 1853, effective February 2, 1993; amended at 18 Ill. Reg. 4635, effective March 9, 1994; amended at 18 Ill. Reg. 8906, effective June 1, 1994; amended at 19 Ill. Reg. 2299, effective February 14, 1995; amended at 19 Ill. Reg. 2816, effective February 21, 1995; amended at 19 Ill. Reg. 7515, effective May 26, 1995; amended at 21 Ill. Reg. 5891, effective

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

April 22, 1997; amended at 22 Ill. Reg. 2087, effective January 12, 1998; amended at 22 Ill. Reg. 17472, effective July 10, 1998; amended at 24 Ill. Reg. _____, effective _____.

SUBPART E: FINANCE

Section 1501.501 Definition of Terms

Advanced--Technology--Equipment--Grant:--The--advanced--technology equipment--grant--provides--State--funds--to--Illinois--public--community colleges--for--the--procurement--of--equipment--necessary--to--upgrade curricula--impacted--by--technological--changes--(See--Section--2-16--of--the Act.)

Annual Financial Statement. The "annual financial statement," which is required to be published by a district, consists of two parts:

- an annual financial report, which includes a statement of revenues and expenditures along with other basic financial data; and
- an annual program report, which provides a narrative description of programs offered, goals of the district, and student and staff data.

Attendance at Mid-Term. A student is "in attendance at mid-term" in a course if the student is currently enrolled in and actively pursuing completion of the course.

Auditor. An auditor is a person who enrolls in a class without intent to obtain academic credit and whose status as an auditor is declared by the student, approved by college officials, and identified on college records prior to the end-of-registration date of the college for that particular term.

Business--Assistance--Centers--and--Workforce--Preparation--Offices:--Business--assistance--centers--and--workforce--preparation--offices--are entities--at--community--colleges--that--conduct--coordinately--and--assist with--workforce--preparation--activities.

Capital Renewal Grants. Capital renewal grants are State state grants allocated proportionally to each community college district based on the latest fall on-campus nonresidential gross square feet of facilities as reported to certified by the ICCB. Such grants are to be utilized for miscellaneous capital improvements such as rehabilitation, remodeling, improvement, and repair; architect/engineer services; supplies, fixed equipment, and materials; and all other expenses required to complete the work.

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

~~Deferred--Maintenance--Grants--Deferred-maintenance-grants-are-State grants-allocated-to-each-community-college-district-based-on-total nonresidential-gross-square-feet-of-facilities-completed-or-under construction--Such-grants-are-to-be-utilized-for-miscellaneous noncapital--deferred-maintenance-improvements--such-as-minor rehabilitation--renovating--improvement--and-repair--supplies equipment--and-materials--and-all-other-expenses-required-to-complete the-work.~~

Lincoln's Challenge Scholarship Grants. The Lincoln's Challenge Program is administered by the Illinois Department of Military Affairs. Upon successful completion of that program, students qualify for a scholarship to a community college. The Lincoln's Challenge Scholarship Grant is a special appropriation received by the ICCB from the Governor and the General Assembly. These scholarships provide an opportunity for graduates of Lincoln's Challenge to transition easily into higher education by enrolling in attending one of the 40 49 public community college districts in which the student resides ~~in-the-State~~. The scholarship grants can be used to cover the cost of education that includes tuition, books, fees and required educational supplies.

Residency - Applicability-Verification of Status. As part of verification that its credit hours are eligible to receive ICCB grants, each community college district shall adopt a process for verifying the residency status of its students and shall file a description of this process with the ICCB by July 1, 1990. The process shall include the methods for verifying residency as defined in the general provisions, special State provisions, and district provisions of this Section. Each district shall file descriptions of any revisions to its process with the ICCB prior to their implementation.

Residency - General Provisions. The following provisions apply both to State and district residency definitions:

To be classified as a resident of the State of Illinois or of the community college district, each student shall have occupied a dwelling within the State or district for at least 30 days immediately prior to the date established by the district for classes to begin.

The district shall maintain documentation verifying State or district residency of students.

Students occupying a dwelling in the State or district who fail to meet the 30-day residency requirement may not become residents simply by attending classes at a community college for 30 days or

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

more.

Students who move from outside the State or district and who obtain residence in the State or district for reasons other than attending the community college shall be exempt from the 30-day requirement if they demonstrate through documentation a verifiable interest in establishing permanent residency.

Residency - District Provisions. Students shall not be classified as residents of the district where attending even though they may have met the general 30-day residency provision if they are:

federal job corps workers stationed in the district;

inmates of State or federal correctional/rehabilitation institutions located in the district;

full-time students attending a postsecondary educational institution in the district who have not demonstrated through documentation a verifiable interest in establishing permanent residency; and

students attending under the provisions of a chargeback or contractual agreement with another community college.

Residency - Special State Provisions. Students shall be classified as residents of the State without meeting the general 30-day residency provision if they are:

federal job corps workers stationed in Illinois;

members of the armed services stationed in Illinois;

inmates of State correctional/rehabilitation institutions located in Illinois; or

employed full time in Illinois.

Special Initiatives Grants. Special initiatives grants provide funds for conducting special initiatives activities.

Special Initiatives Activities. Special initiatives activities are based upon criteria as specified in the special initiatives guidelines approved by the ICCB ~~contract-which-is-executed-each-year-with-each district~~. As special initiatives change, new guidelines will be issued by the ICCB ~~the-scope-of-activities-specified-in-the-contracts will-also-change~~.

ILLINOIS COMMUNITY COLLEGE BOARD

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Special Populations Grant. A "special populations grant" provides funding for:

Special or extra services to assist special populations students to initiate, continue, or resume their education, including tutoring, educational and career counseling, referrals to external agencies, and testing/evaluation to determine courses or services needed by a special populations student.

Students (not funded through credit hour grants) to provide the academic skills necessary to remedy or correct educational deficiencies to allow the attainment of educational goals, including remedial, adult basic education, adult secondary education, and English as a Second Language courses.

~~Special--Populations--Students--A--Special--Populations--Students--is-a student-with-a-social-physically-developmental-or-academic-disability that-makes-it-difficult-for-such-a-student-to-adapt-to-a-college environment--designed-for-the-non-special-populations-student-This-may include-students-from-minority-racial-ethnic-groups--Colleges-shall designate-which--of-their--students-are--special-populations-as determined-by-teacher-and--counselor-evaluations--and--various standardized-tests-selected-by-the-colleges.~~

~~Technology--Enhancement--Grants--Technology-enhancement-grants-provide State-funds-for-technology-infrastructure-improvements--Grants-shall be--distributed-to-community-colleges-based-upon-midterm-semester-or equivalent-credit-hours.~~

~~Workforce-Preparation-Activities--Workforce-preparation-activities create-or-retain-jobs-and-increase-employment-opportunities.~~

~~Workforce--Preparation--Grants--Workforce-preparation-grants-provide funds-for-conducting-workforce-preparation-activities.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 1501.503 Audits

a) External Audits.

- 1) Three (3) copies of the annual external audit shall be submitted to the ICCB on or before October 15, following the close of the fiscal year. If the audit cannot be completed by this date, the district may submit a request for extension of time to the President/CEO Executive-Director before October 1, following the close of the fiscal year. This request shall be accompanied by an explanation of the circumstances which cause the report to be

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

delayed, along with an estimated date for submission.

- 2) Each audit report shall contain financial statements composed of the funds established in Section 1501.511, a comment on internal control, a comment on basis of accounting, uniform financial statements prepared using the modified accrual basis of accounting, a certificate of chargeback verification and a State state grant compliance section which shall include a schedule of enrollment data, a verification of enrollment data, a schedule of the district equalized assessed valuation and--the-statutory calendar--year--allocation--of--Corporate--Personnel--Property Replacement--Grants--for--debt--retirement, schedules for the restricted/special initiative grants distributed by the ICCB and received by the district in the manner and format established by the ICCB, and a schedule of federal financial assistance and related reports as prescribed by the Federal Office of Management and Budget.

A) Each ICCB restricted or special initiative grant shall verify that grant funds received by the district were expended in accordance with policies and guidelines as adopted by the ICCB and shall include an Auditor's Report on Compliance with State Requirements," along with a statement of revenues and expenditures and a balance sheet.

~~The--special--populations--grant--schedules-shall-verify-that special-populations-grant-funds--received-by-the--district were--expended--in--accordance--with--Section-1501.508(f)-and shall-include-an-Auditor's-Report-on-Compliance-with--State Requirements--along-with-a-statement-of-revenues-and-expenditures--and-a-balance-sheet--Multi-campus-districts shall-submit-a-single-report-for-the-district-which-includes separate-statements-for-each-college-as-such-relate-to Section-1501.508(f).~~

B) ~~The--workforce-preparation-grant-schedules-shall-verify-that the--workforce-preparation--grants--funds--received-by--the-district-were-expended-in-accordance-with--Section-1501.509 and--shall--include--an-Auditor's-Report-on-Compliance-with State-Requirements--along-with-a-statement-of-revenues--and expenditures--and-a-balance-sheet.~~

C) ~~The--advanced-technology--equipment--grant--schedules-shall verify-that-the-advanced-technology--equipment--grant--funds were--expended-in-accordance-with--Section-1501.515-and-shall include--an-Auditor's-Report-on-Compliance-with--State Requirements--along-with--a--statement-of--revenues--and expenditures--and-a-balance-sheet.~~

B) ~~The--retirees-health-insurance-grant-schedules-shall-verify that-the-retirees-health-insurance-grant-funds-were-expended in--accordance-with--Section-1501.517--and-shall-include-an Auditor's-Report-on-Compliance-with--State--Requirements--along-with--a--statement-of-revenues-and-expenditures--and-a~~

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

balance-sheet-

- b) Confirmation of ICCB Grants and--District--Credit--Hours. For the purposes of confirming district records, each district shall request that its external auditor request from the ICCB a report of grants received and--reimbursable--student--credit--hours--generated by the district during the fiscal year. Each district shall notify its independent external auditing firm of this requirement and will instruct that firm to make the request using the format prescribed by the Board.
- c) Upon completion After--receipt of the external audit, the district shall reconcile its audited expenditures to previously submitted unit cost data. The reconciliation shall be submitted on forms provided by the ICCB.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 1501.507 Credit Hour Claims Grants

- a) Claims. Claims for credit hours shall be submitted within 30 days after the end of each term in a format prescribed on-forms--provided by the ICCB.
- b) Course Requirements. Courses which produce credit hours eligible for ICCB grants shall satisfy the following requirements:
- 1) Courses shall be offered for the number of credit hours for which they are approved by the ICCB.
 - 2) Courses which have variable credit hours shall be claimed in specified increments only up to the maximum credit value approved for the course.
 - 3) Course data shall be posted to the permanent academic record of each student claimed.
 - 4) Courses shall be a part of units of instruction which have been approved by the ICCB, or the courses must be authorized extensions of existing units of instruction.
 - 5) Courses shall have specific written objectives.
 - 6) A course outline shall be available for review by any student or citizen.
 - 7) Courses shall have a method of evaluating student performance which follows the adopted college grading system.
 - 8) Courses shall follow the adopted college policies on student tuition.
 - 9) The following categories of physical education courses shall be the only ones to produce eligible credit hours:
 - A) Elective physical education courses;
 - B) Required courses for majors and minors in physical education, recreational leadership, and related programs;
 - C) Physical education courses in teacher education programs as required by the State Teachers Certification Board.

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- 10) Courses shall produce a maximum rate of one semester credit hour or equivalent per week. Requests for exceptions to this requirement may be submitted to the ICCB. The criteria utilized by the ICCB for exceptions shall include:
- A) documentation of need for an intensified or accelerated schedule;
 - B) student population identified with testing and/or screening to indicate special needs and/or competencies;
 - C) how courses are instructed, including schedule of classes, study time allotted for students, method of instruction and how students are evaluated;
 - D) time period of instructional activity and projected termination date;
 - E) procedures to evaluate the accelerated instructional activity.
- 11) Courses offered by the college for high school students during the regular school day at the secondary school shall be college-level and shall meet the following requirements:
- A) State laws, ICCB regulations, Accreditation Standards, and local college policies specified by the North Central Association, and local college policies that apply to courses, instructional procedures and academic standards at the college apply to college-level courses offered by the college on campus, at off-campus sites, and at secondary schools. These policies, regulations, instructional procedures and academic standards apply to students, faculty and staff associated with these courses.
 - B) Instructors. The instructors for these courses shall be selected, employed and evaluated by the community college. They shall be selected from full-time faculty and/or from adjunct faculty with appropriate credentials and demonstrated teaching competencies at the college level.
 - C) Qualification of Students. Students accepted for enrollment in college-level courses must have appropriate academic qualifications, a high level of motivation and adequate time to devote to studying a college-level course. The students' course selections shall be made in consultation with high school counselors and/or principals and ordinarily are restricted to students in the junior and senior years of high school. The students shall meet all college criteria and follow all college procedures for enrolling in courses. Placement Testing and Prerequisites. Students enrolling in college-level courses must satisfy course placement tests or course prerequisites when applicable to assure that they have the same qualifications and preparation as other college students.
 - E) Course Offerings. Courses shall be selected from transfer

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courses that have been articulated with senior institutions in Illinois or from the first-year courses in ICCB approved associate in applied science degree programs.

F) Course Requirements. The course outlines utilized for these courses shall be the same as for courses offered on campus and at other off-campus sites and shall contain the content articulated with colleges and universities in the State. Course prerequisites, descriptions, outlines, requirements, learning outcomes and methods of evaluating students shall be the same as for on-campus offerings.

G) Concurrent Credit. The determination of whether a college course is offered for concurrent high school and college credit shall be made at the secondary level, according to the school's policies and practices of the district.

c) Student Requirements. The following requirements shall apply to students who generate credit hours eligible for ICCB grants:

- 1) Students shall be certified by their instructors as being in attendance at mid-term by including a certification statement on the mid-term class roster, signed and dated by the instructor.
- 2) Students who complete a course with a passing grade by the end of the term and who were not certified as being in attendance at mid-term by the instructor shall be considered as having been in attendance at mid-term.
- 3) Students enrolled in variable entry/variable exit classes or short-term classes of less than eight weeks may be certified by their instructors as having been in attendance at mid-term by including a certification statement on the final class roster, signed and dated by the instructor.

4) Students shall be residents of the State of Illinois.

5) Auditors or visitors in a course shall not produce eligible credit hours.

6) Students who repeat enrollment in a course shall produce credit hours eligible for ICCB grants when one of the following conditions is met:

- A) If the student completed the course the first time of enrollment with less than a grade of C (or equivalent) and if the student was claimed for credit-hour-grant funding, the student may enroll and be claimed in the course one additional time, or
- B) If the student enrolled in the course previously and withdrew before completing the course, and if the student was claimed for credit-hour-grant funding, the student may enroll and be claimed in the course one additional time, or
- C) If a student completed the course previously and was claimed for credit-hour-grant funding, the student may be claimed for retaking the course if the student uses his/her option to retake the course tuition free under the college's educational guarantee program, or

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D) If the last time the student completed the course was at least four years previously, the student may be claimed for credit-hour-grant funding if the student repeats the course to upgrade his/her skills in that area, or

E) If a course has been approved by the ICCB to be repeated, the student may repeat the course and be claimed as often as approved by the ICCB.

d) Exceptions. The following credits will not be eligible for ICCB funding credit-hour-grants:

- 1) Credit by examination;
- 2) Military service credit for physical education;
- 3) Transfer of credit earned at other institutions or in the armed forces;
- 4) Proficiency examinations;
- 5) Advanced placement credits;
- 6) Other methods of program acceleration which do not include instruction.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 1501.508 Special Populations Grants (Repealed)

a) Special-populations-grant-funds-shall-be-allocated-annually-to-each-illinois-public-community-college-district-in-accordance-with-Section 2-16-02-of-the-Act:

b) Special-populations-grant-funds-shall-be-accounted-for-in-a-restricted-purposes-fund:

c) The-following-are-allowable-expenditures-for-special-populations-grant-funds:

- 1) Personnel---Salaries-and-benefits-for-courses-and-services-provided-only-to-special-populations-students:
 - A) Counselors---both-student-and-professional;
 - B) Teachers---and---para-professional---counselors---who---spend---a-minimum-of-fifty-fifty-percent-of-their-time-working-with-special-populations-students;
 - C) Adult-Basic/secondary-and-remedial-education-instructors-populations-grant-per-district:
 - 1) Not-to-exceed-thirty-(30)-percent-of-the-total-special-populations-grant-per-district;
 - 2) Direct-support-service-personnel-for-assistance-to-students-with-disabilities---e-g---readers-note-takers-and-drivers;
 - 3) Professional-and-para-professional-staff-who-provide-outreach-services-and-special-retention-programs-designed-for-special-populations-students-and-who-administer-testing-and-assessment-of-special-populations-students;
 - 4) Testing---and---Assessment---includes-materials---fees---and-cost-of-test-administration-for-testing-and-assessment-of---special-populations-students-and-testing-of-entering-students-to-identify

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Special populations students.

3) Instructional--and--informational--Materials--Books--computer software--informational--brochures--pamphlets--and--publications provided--to--special--populations--students--or--to--promote--special populations programs.

4) Instructional--Equipment--lease--or--purchase--of--any--type technology--mail--computer--readers--and--other--assistive technology--provided--only--to--special--populations--students.

5) Travel--related--only--to--special--populations--student--needs--and activities--for--both--college--personnel--and--students.

A) Special--populations--student--activities--such--as--field--trips and--student--transportation.

B) Conference--expenses--related--directly--to--special--populations grant activities.

6) Staff development--expenditures--for--special--populations--grant personnel--and--outside--consultants.

7) The--following--special--populations--grant--administrative expenditures--related--only--to--special--populations--grants--the total--administrative--expenditures--may--not--exceed--thirty--(30) percent--of--the--total--special--populations--grant--per--district.

A) Administrative salaries.

B) Office staff salaries.

C) Office equipment.

B) Consumable supplies.

E) Utilities.

F) Rental of facilities.

d) Reports of services supported by the special populations grant shall be filed with the IECB by September 1 of each year on forms provided by the IECB.

e) An initial grant in the amount designated in Section 2.16.02 of the Act shall be allocated for expenditure by each community college within a multi-campus district. Remaining funds within a multi college district may be allocated according to district policies.

f) Special populations grant funds shall be expended or obligated prior to June 30 each year. Goods for which the funds have been obligated shall be received and paid for prior to September 30 following the end of the fiscal year for which the funds were appropriated. Funds for services including salaries and benefits may not be obligated for services rendered after June 30. Unexpended funds totaling \$100 or more shall be returned to the IECB by October 15 following the end of the fiscal year. Unexpended funds totaling less than \$100 need not be returned to the IECB provided the funds are spent in the next fiscal year and for the restricted grant purpose.

g) Special populations grant funds not used in accordance with this Section regardless of the amount shall be returned to the IECB within six months after receipt of the external audit report by the IECB or other identification of improper expenditures subsequently verified by

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the IECB:

(Source: Repealed at 24 Ill. Reg. _____, effective _____.)

Section 1501.509 Workforce Preparation Grants (Repealed)

a) A minimum of \$90,000 of each district's workforce preparation grant shall be used to operate a business assistance center or economic development or workforce preparation office that is expenditures specified in subsections (d)(1)-(d)(5)-(d)(6)-(d)(7)-(d)(8)-(d)(9) below:

b) No more than twenty-five (25) percent of each district's workforce preparation grant may be used for expenditures for equipment as specified in subsections (d)(4) and (d)(9)(A) below.

c) Workforce preparation grant activities include the following:

- 1) Conducting customized training programs for new or existing business and industry through the following activities:

A) Developing and offering customized industrial or commercially sponsored courses;

B) Establishing apprenticeship or internship programs with area business and industry;

2) Providing the following employment training services training for unemployed or underemployed adults to improve their job skills and assist them in seeking employment;

A) Establishing and/or operating career counseling and testing programs;

B) Providing job placement assistance;

C) Conducting courses and workshops which are not claimed for credit hour grant funding.

3) Cooperate with other economic development entities (such as chambers of commerce economic development commissions and local governments) involved in commercial and industrial expansion and/or retention to:

A) Provide assistance through special courses workshops and conferences to area business and industry and economic development entities on such topics as training financing starting and operating a business contract procurement purchasing and accounting and use of computers;

B) Identify and develop educational programs needed by business and industry for emerging occupations;

C) Obtain the use of equipment from business and industry for employment training programs;

D) Assist with the conduct of an assessment of the area's assets and liabilities in attracting and retaining business and industry;

E) Assist with the conduct of an industrial retention survey to assess the need for training or other assistance by area

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- business-and-industry;
- g) Provide appropriate training assistance--or--services determined necessary by surveys or assessments;
- h) Help--to--market--the--area--to--prospective--business--and industry;
- 4) Cooperate with other community colleges, public universities, and private colleges to conduct assessments of need for higher education to articulate the educational services being provided and to develop telecommunications networks for instructional delivery and support;
- d) The following are allowable expenditures for workforce preparation grant funds:
- 1) Personnel--Salaries and benefits for the following personnel based on the percentage of time they spend on workforce preparation activities:
- A) Administrative and support staff of the business assistance center; or economic development or workforce preparation offices;
- B) Counselors that provide employment--and--educational counseling to unemployed or underemployed individuals;
- C) Instructional personnel who teach courses which are not eligible for credit hour grant funding to unemployed or underemployed persons or who teach customized courses which are not eligible for credit hour grant funding for business and industry;
- B) Administrative and support staff needed to operate regional consortia designed to coordinate and support off campus extension offerings of colleges and universities within that region of the state;
- 2) Contractual Services--Expenditures for professional services which are determined by the college to be more appropriate or efficiently provided by other public or private entities to complete specific programmatic work needed to conduct the district's workforce preparation--and--economic development activities;
- 3) Instructional Materials--Books, films, and testing/evaluation materials for use in courses taught to unemployed and underemployed individuals or persons receiving industrial or customized training designed for area business and industry;
- 4) Instructional Equipment--Lease or purchase of demonstrator model trainers or other equipment for use in courses taught to unemployed and underemployed individuals or persons receiving customized training designed for area business and industry;
- 5) Promotional Materials--Brochures, newsletters, slide presentations, films, and advertisements used to market the district's economic development services;
- 6) Staff development--Seminars, courses, and conferences related to workforce preparation or economic development for administrative

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- staff that spend 51 percent of their time working in the business assistance center/economic development or workforce preparation office;
- 7) Conference--and--Meeting--Expenses--for--conducting conferences and meetings related to workforce preparation grant activities specified in subsection (c) at which workforce preparation grant staff, business and industry, and/or economic development entities are in attendance;
- 8) Travel--Travel expenses related to workforce preparation grant activities as specified in subsection (c) for staff specified in subsection (d) (1) and their supervisors;
- 9) When following are related costs of operating a business assistance center/economic development or workforce preparation office:
- A) Office equipment
- B) Utilities and telephone
- C) Consumable supplies
- D) Building
- E) Facility rental
- e) Workforce preparation grant funds designated for special state initiatives in an amount specified by the General Assembly shall be administered by the Board to ensure that the special state initiatives are implemented;
- f) Reports of services and courses supported by the workforce preparation grant shall be filed with the IECB by August 1 following the end of the fiscal year on forms provided by the IECB;
- g) Workforce preparation grant funds shall be accounted for in a set of self-balancing accounts with the restricted purposes fund;
- h) Workforce preparation grant funds shall be expended or obligated prior to June 30 each year. Goods for which funds have been obligated shall be received and paid for prior to September 30 following the end of the fiscal year for which the funds were appropriated; funds for services including salaries and benefits may not be obligated for services rendered after June 30. Unexpended funds totaling \$100 or more shall be returned to the IECB by October 15 following the end of the fiscal year. Unexpended funds totaling less than \$100 need not be returned to the IECB provided the funds are spent in the next fiscal year and for the restricted grant purpose;
- i) Workforce preparation grant funds not used in accordance with this Section regardless of the amount shall be returned to the IECB within six months after receipt of the external audit report by the IECB or other identification of improper expenditures subsequently verified by the IECB.

(Source: Repealed at 24 Ill. Reg. _____, effective _____.)

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- a) Community College Funds. The funds listed below or a subset of these funds shall be used for publicly reporting community college financial transactions. The local Board of Trustees may determine the distribution of unrestricted revenues among the operating funds, i.e., the Education Fund, the Operations, Building and Maintenance Fund, and the Public Building Commission Operation and Maintenance Fund.

- 1) Operating Funds
 - A) Education Fund. Local property taxes for educational purposes shall be recorded as revenue in this fund.
 - B) Operations, Building and Maintenance Fund. Local property taxes for operations, building, and maintenance purposes shall be recorded as revenue in this fund.
 - C) Public Building Commission Operation and Maintenance Fund. Local property taxes for the operation and maintenance of college buildings leased from the Public Building Commission shall be recorded in this fund. Each agreement to operate and maintain property must be accounted for using a separate set of self-balancing accounts.
- 2) Restricted Purposes Fund. This fund is for the purpose of accounting for monies that have external restrictions regarding their use. Each of the restricted sources of revenue in this fund shall be accounted for separately using a group of self-balancing accounts.
- 3) Audit Fund. The audit tax levy shall be recorded in this fund. Monies in this fund shall be used only for the payment of auditing expenses.
- 4) Liability, Protection and Settlement Fund. The tort liability and Medicare insurance/FICA tax levies should be recorded in this fund. The monies in this fund and interest earned on assets shall be used only for the payment of tort liability, unemployment, or worker's compensation insurance and/or claims or the cost of participation in the federal Medicare/Social Security program. The tax-levy-for-tort-liability-worker's-compensation-and-unemployment-insurance-and-claims-shall-be recorded-in-this-fund--the-monies-in-this-fund-and-interest-earned-on-the-assets-of-this-fund-shall-be-used-only-for-the-payment-of-tort-liability-worker's-compensation--and-unemployment-insurance-and-claims
- 5) Bond and Interest Fund. Revenues in this fund consist of property taxes for principal and interest bond payments and Corporate-Personal-Property-Replacement-Tax-Revenues-statutorily allocated-for-principal-and-interest-bond-payments--(Ill--Rev-Stat--1983y--ch-95--par-6a6f). All principal and interest bond payments shall be expended from this fund. The debt service for each bond issue must be accounted for with a group of self-balancing accounts within the fund.
- 6) Public Building Commission Rental Fund. Local property taxes for the payment of lease obligations to the Public Building

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Commission shall be recorded in this fund. Each lease with the Public Building Commission shall be accounted for using a separate group of self-balancing accounts.

- 7) Operations, Building and Maintenance Fund (Restricted). This fund is used to account for funds which can be used only for site acquisition and construction and equipping of buildings. The monies in this fund shall not be permanently transferred or loaned to any other fund.
- 8) Building Bond Proceeds Fund. Proceeds from construction bonds shall be recorded in this fund. Each bond issue shall be accounted for using a separate group of self-balancing accounts.
- 9) Auxiliary Enterprises Fund. This fund is for the purpose of accounting for those services where a fee is being charged students and staff. Only monies that the institution has control of should be included in this fund. Each enterprise service where a fee is being charged should be accounted for using a separate group of self-balancing accounts.
- 10) Working Cash Fund. This fund shall be used to account for the proceeds of working cash bonds.
- 11) Trust and Agency Fund. This fund shall be used to receive and hold monies in which the district serves as a custodian or fiscal agent for another body.
- 12) Investment in Plant Account Group. This group of accounts shall be used to record the cost/value of plant assets.
- 13) Long-term Liabilities Account Group. This group of accounts shall be used to record liabilities that are payable beyond the current fiscal year.

- b) Program and Object Codes. Report structure codes as specified in the ICCB Uniform Financial Reporting Manual the program-and-object-codes specified-by-the-LEEB shall be used for publicly reporting community college financial transactions.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 1501.515 Advanced Technology Equipment Grant (Repealed)

- a) An annual grant shall be allocated to each Illinois public community college district in accordance with Section 2-16.01 of the Act.
- b) Advanced technology equipment grant funds shall be accounted for in a set of self-balancing accounts within the Restricted Purposes Fund (See Section 1501.511(a)(4)).
- c) Allowable expenditures for advanced technology equipment grant funds are:
 - demonstratory---models---trainers---and---other---instructional equipment---needed---for---instruction---or---instructional---support---services including---connectivity---interfacing---equipment---computer---software computer---peripherals---operating---and---repair---instruction---manuals instructional-furnishings-that-are-designed-for-and-integral-to--the-

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use--of--the--instructional--equipment--and--telecommunications--networks--designed--to--interconnect--with--other--colleges--and--extension--centers--within--the--district.

- d) By--August--31--following--the--end--of--the--fiscal--year--the--community--college--district--shall--file--a--report--with--the--ICCB--in--a--format--prescribed--by--the--ICCB--detailing--how--the--funds--were--utilized.
- e) Advanced--technology--equipment--grants--shall--be--expended--or--obligated--by--June--30--of--the--year--for--which--they--were--awarded--Goods--for--which--funds--have--been--obligated--shall--be--received--and--paid--for--by--September--30--following--the--end--of--the--fiscal--year--for--which--the--funds--were--awarded--Unexpended--funds--totaling--\$100--or--more--shall--be--returned--to--the--ICCB--by--October--15--following--the--end--of--the--fiscal--year--Unexpended--funds--totaling--less--than--\$100--need--not--be--returned--to--the--ICCB--provided--the--funds--are--spent--in--the--next--fiscal--year--and--for--the--restricted--grant--purpose.
- f) Advanced--technology--equipment--grant--funds--not--used--in--accordance--with--this--Section--regardless--of--the--amount--shall--be--returned--to--the--ICCB--within--six--months--after--receipt--of--the--external--audit--report--by--the--ICCB--or--other--identification--of--improper--expenditures--subsequently--verified--by--the--ICCB.

(Source: Repealed at 24 Ill. Reg. _____, effective 1501.511(a)(7)).

Section 1501.516 Capital Renewal Grants

- a) Districts may apply annually to the ICCB for approval of capital renewal grant projects. Requests for ICCB approval of capital renewal grant projects shall be submitted using forms prescribed by the ICCB.
- b) Expenditures of funds from this grant are limited to capital renewal projects that are within the scope of the definition of capital renewal grants contained in Section 1501.501.

- c) Funds received from this grant shall be accounted for in the Operations and Maintenance Fund (Restricted) (see Section 1501.511(a)(7)).

- d) Other sources of funding may be added to capital renewal grant funds to finance larger projects.

- e) Projects shall be designed and constructed to meet all applicable facilities codes as specified in Section 1501.601(f).

- f) Authority to approve capital renewal grant projects is delegated to the ICCB or its President/~~CEO~~ Executive/Director.

(Source: Amended at 24 Ill. Reg. _____, effective 1501.511(a)(7)).

Section 1501.517 Retirees Health Insurance Grants (Repealed)

- a) Retirees--health--insurance--grants--shall--be--distributed--proportionately

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to--each--district--based--on--the--number--of--that--district's--annuitants--on--July--1--of--the--fiscal--year--in--which--the--appropriation--is--made--as--certified--by--the--State--Universities--Retirement--System--(SURS):

- b) Retirees--health--insurance--grants--shall--be--used--by--a--community--college--district--to--provide--health--insurance--for--the--district's--annuitants:
- c) Provision--of--retirees--health--insurance--shall--be--considered--as--the--substitution--of--costs--for--a--retiree--participating--in--one--of--the--district's--employee--group--health--insurance--plans--or
- d) coverage--independent--of--the--retiree's--health--insurance--costs--for--annuitants--receiving--a--subsidy--for--the--district's--plan--shall--not--be--compensated--in--an--amount--greater--than--that--offered--retirees--participating--in--one--of--the--district's--employee--group--health--insurance--plans;
- e) Annuitants--eligible--for--Social--Security--benefits--shall--be--required--to--enroll--in--Medicare--Part--A--and--Part--B--insurance--which--shall--be--considered--their--primary--coverage;
- f) Retirees--health--insurance--grants--shall--be--expended--or--obligated--by--June--30--of--the--fiscal--year--in--which--the--grant--is--received--Unexpended--funds--shall--be--returned--to--the--ICCB--by--October--15--following--the--year--for--which--the--appropriation--was--made;
- g) Retirees--health--insurance--grant--funds--not--used--in--accordance--with--this--Section--regardless--of--the--amount--shall--be--returned--to--the--ICCB--within--six--months--after--receipt--of--the--external--audit--report--by--the--ICCB--or--other--identification--of--improper--expenditures--subsequently--verified--by--the--ICCB.

(Source: Repealed at 24 Ill. Reg. _____, effective 1501.518(a)(7)).

Section 1501.518 Uncollectible Debts

- a) In order to access the State Comptroller for the collection of debts owed a community college, the board of trustees shall maintain documentation of each debtor's debt in a separate file which shall be available for inspection by the ICCB or the Comptroller of the State of Illinois. Only debts in excess of \$150 may be submitted for collection.

- b) Each debtor's file shall be maintained for a period of five years and shall include:

- 1) A description of the cause for the debt;
- 2) Correspondence concerning attempts to collect the debt locally;
- 3) Evidence of an opportunity for a hearing and review of the debt and the final outcome of such hearing and review.
- c) Claims shall be submitted on forms and in the format prescribed by the ICCB.
- d) The board of trustees shall submit a claim to the State of Illinois only after exhausting local options for collection of the debt.

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- e) The board of trustees shall give the debtor due process in accordance with the Illinois State Collection Act of 1986 [30 ICSB 210] ~~Rev. Stat. 1997-ch-25-pars-151-et-seq.~~ effective
- f) Any debtor scheduled to make repayments, who is not yet delinquent or who currently is making periodic payments to reduce a debt, shall not be submitted to the State for collection.
- g) The board of trustees shall approve the debt to be submitted for collection.
- h) The President/CEO Executive-Director of the ICCB is authorized to accept claims from the boards of trustees for collection. ICCB acceptance of claims is made when claims are submitted to the Comptroller of the State of Illinois. The board of trustees will be notified of acceptance or nonacceptance of the claims by the ICCB.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 1501.519 Special Initiatives Grants

- a) Special initiatives grants shall be allocated to each Illinois public community college districts district based upon criteria approved by the ICCB or specified in statute in accordance with Section 2-16-02-of-the-Act.
- b) Allowable expenditures for special initiatives grants will be specified in guidelines approved by the ICCB and published in the ICCB Fiscal Management Manual in a contract which will be executed with each Illinois public community college district eligible to receive the special initiatives grant funds.
- c) Special initiatives grant funds shall be accounted for in a set of self-balancing accounts within the fund specified Restricted-Purposes Fund-fee Section-1501.519(a)(2)(7).
- d) If specified in grant guidelines by August 1 following the end of the fiscal year, the community college district shall file a report with the ICCB in a format prescribed by the ICCB or in accordance with the terms of the contract, detailing how the funds were utilized.
- e) Special initiatives grant funds shall be expended or obligated by June 30 of the year for which they were awarded. Goods and services for which funds have been obligated shall be received and paid for by August 31 September-30 following the end of the fiscal year for which the funds were awarded. Unexpended funds totaling \$100 or more shall be returned to the ICCB by October 15 following the end of the fiscal year. Unexpended funds totaling less than \$100 need not be returned to the ICCB provided the funds are spent in the next fiscal year and for the restricted grant purpose.
- f) Special initiatives grant funds not used in accordance with specified guidelines and policies this section regardless of the amount shall be returned to the ICCB within six months after receipt of the external audit report by the ICCB or other identification of improper

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expenditures subsequently verified by the ICCB.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 1501.520 Lincoln's Challenge Scholarship Grants

- a) Lincoln's Challenge Scholarship Grants shall be vouchered to community colleges.
- b) Students can qualify for their first Lincoln's Challenge Scholarship Grant if they meet the following criteria:
- 1) Complete the Lincoln's Challenge program;
 - 2) Complete the CED or pursuing the completion-of-the-GBB;
 - 3) Enroll at one of the 49 Illinois public community colleges in a certificate or degree program within one year after graduation from the Lincoln's Challenge Program;
 - 4) Carry an academic load of at least six credit hours each term except the summer term;
 - 5) Present the "notification of award" letter signed by the President/CEO Executive-Director of the Illinois Community College Board to the community college at the time of registration.
- c) The scholarship is limited to \$1,000 per student per semester, with the exception of the summer semester which is limited to \$500 per student.
- d) The scholarship shall be applied only to the cost of tuition, books, fees and required educational supplies.
- e) The grant will only reimburse the college at the in-district tuition rate.
- f) In order to receive the reimbursement, colleges must submit the following information for each student:
- 1) Name;
 - 2) Social Security Number;
 - 3) Program of study;
 - 4) Course Schedule (including credit hours);
 - 5) Bill with costs broken out by tuition, fees, books and educational supplies; and
 - 6) GPA and course completions from previous semester - if continuing student.
- g) In order to remain qualified for a Lincoln's Challenge Scholarship Grants, each student must:
- 1) Submit a letter of application to the Illinois Community College Board requesting continuation of the scholarship for the next semester. The letter must be postmarked by August 1 for application to the fall term; and January 1 for application to the spring term; and June 1 for application to the summer term;
 - 2) Comply with academic standards as defined by college policy. The first semester minimum grade point average may be waived as a

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determining factor of academic standards achievement if the student's academic advisor concludes that extenuating circumstances existed; and

3) Submit documentation showing acceptable the academic status and the number of credit hours completed during the last term of enrollment at the college.

h) Students can be awarded scholarship funds for three successive years, or a maximum of 64 credit hours (or more if completing an associate in applied science degree requiring additional credit hours) to be used toward the completion of a degree or certificate program.

i) The number of scholarships awarded each year is contingent upon the amount of funds appropriated. The scholarships cannot be guaranteed to students even if all criteria are met.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 1501.522 Deferred Maintenance Grants (Repealed)

a) Deferred maintenance grants shall be allocated to each qualifying Illinois public community college district in accordance with Section 2-16.02 of the Act;

b) Expenditures of funds from this grant are limited to deferred maintenance grant activities as defined in Section 1501.501 of this Part; No more than 30 percent of each district's grant allocation shall be used for custodial/maintenance staff salaries and benefits;

c) Funds received from this grant shall be accounted for in a separate set of self-balancing accounts in the Operations and Maintenance Fund (Restricted) (see Section 1501.511(a)(7));

d) Deferred maintenance grant funds shall be expended or obligated by June 30 of the year for which they were awarded; Goods and services for which funds have been obligated shall be received and paid for by August 31 following the end of the fiscal year for which the funds were awarded; Unexpended funds totaling \$100 or more shall be returned to the IECB by October 15 following the end of the fiscal year; Unexpended funds totaling less than \$100 need not be returned to the IECB provided the funds are spent in the next fiscal year; and for the restricted grant purpose;

e) Deferred maintenance grant funds not used in accordance with this Section regardless of the amount shall be returned to the IECB within 6 months after receipt of the external audit report by the IECB or other identification of improper expenditures subsequently verified by the IECB;

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Standards and Licensure Requirements for Community-Integrated Living Arrangements

2) Code Citation: 59 Ill. Adm. Code 115

3) Section Numbers: Proposed Action:
115.120 Amend
115.230 Amend
115.240 Amend
115.320 Amend

4) Statutory Authority: Implementing the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135] and the Health Care Worker Background Check Act [225 ILCS 46] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

5) A Complete Description of the Subjects and Issues involved: Public Act 91-630 amended the Illinois Nursing and Advanced Practice Nursing Act to allow for the administration of medications by unlicensed, direct care staff and the self-administration of medications in developmental disability facilities of 16 beds or fewer. This amendment adds provisions for the administration of medications by unlicensed, direct care staff and the self-administration of medications as a result of PA 91-630. Additionally, this amendment clarifies the definition of "substantial compliance".

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services

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100 South Grand Avenue East
 3rd Floor Harris Building
 Springfield, Illinois 62762
 Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated at the time of the agency's filing of the latest Regulatory Agenda.

The full text of the Proposed Amendment begins on the next page:

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TITLE 59: MENTAL HEALTH
 CHAPTER 1: DEPARTMENT OF HUMAN SERVICES

PART 115

STANDARDS AND LICENSURE REQUIREMENTS FOR COMMUNITY-INTEGRATED LIVING ARRANGEMENTS

SUBPART A: GENERAL PROVISIONS

Section
115.100
115.110
115.120

Purpose
 Incorporation by reference
 Definitions

SUBPART B: SERVICE REQUIREMENTS

Section
115.200
115.205
115.210
115.215
115.220
115.230
115.240
115.250

Description
 Respite services for persons with a developmental disability
 Criteria for participation of individuals
 Criteria for termination of services to individuals
 Community support team
 Interdisciplinary process
 Medical services and medications
 Individual rights and confidentiality

SUBPART C: GENERAL AGENCY REQUIREMENTS

Section
115.300
115.310
115.320
115.321
115.325
115.330

Environmental management of living arrangements
 Geographic location of community-integrated living arrangements
 Administrative requirements
 Application for waiver of the prohibition against employment
 Monitoring and evaluation
 Accreditation

SUBPART D: LICENSURE REQUIREMENTS

Section
115.400
115.410
115.420
115.430
115.440
115.450
115.460
115.470

Applicability
 License application
 Application acceptance and verification
 Issuing a license and period of licensure
 License sanctions and revocation
 Non-transferability of license
 Cessation of operations
 Hearings

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SUBPART E: REIMBURSEMENT RATE COMPONENTS

Section	
115.500 Purpose	
115.510 Rate components	
APPENDIX A	Specific level of Functioning Assessment and Physical Health Inventory (Repealed)

AUTHORITY: Implementing the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135] and the Health Care Worker Background Check Act [225 ILCS 46], and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

SOURCE: Adopted at 14 Ill. Reg. 10865, effective July 1, 1990; emergency amendment at 14 Ill. Reg. 20550, effective December 5, 1990, for a maximum of 150 days; emergency expired May 18, 1991; amended at 15 Ill. Reg. 8560, effective May 24, 1991; emergency amendment at 16 Ill. Reg. 2676, effective February 1, 1992, for a maximum of 150 days; emergency expired on June 30, 1992; amended at 17 Ill. Reg. 21434, effective November 29, 1993; amended at 21 Ill. Reg. 2205, effective February 1, 1997; amended at 21 Ill. Reg. 6085, effective May 5, 1997; amended at 21 Ill. Reg. 8332, effective June 25, 1997; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; amended at 22 Ill. Reg. 8382, effective April 28, 1998; amended at 23 Ill. Reg. 9791, effective August 13, 1999; amended at 24 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 115.120 Definitions

For the purpose of this Part, the following terms are defined:

"Abuse." *Any physical injury, sexual abuse or mental injury inflicted on an individual other than by accidental means.* (Section 1-101.1 of the Code)

Physical injury means any direct physical mistreatment of an individual by an employee of a community agency, such as hitting, kicking, pinching, choking, shoving, pushing, biting, slapping, punching, striking with an object, burning, dragging, or cutting, with or without an injury.

Sexual abuse means any sexual penetration, molestation, or exploitation of an individual by an employee of an agency.

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Sexual penetration means any contact, however slight, between the sex organ of one person and the sex organ, mouth, or anus of another person, or any animal or object inserted into the sex organ or anus of another person for the purpose of sexual gratification or arousal of either person.

Sexual molestation means any intentional or knowing touching or fondling by one person, either directly or through clothing, of the sex organs, anus, or breast of the other person, for the purpose of sexual gratification or arousal of either person.

Sexual exploitation means the sexual use of an individual for another person's sexual gratification, arousal, advantage, or profit.

Mental injury includes verbal abuse, psychological abuse or exploitation by an employee.

Verbal abuse means the use of words by an employee toward or about and in the presence of an individual which a reasonably prudent person would believe to, or the employee knows for that particular individual will, demean, curse, intimidate, harass, cause emotional anguish or distress, threaten harm, or knowingly precipitate maladaptive behavior on the part of the individual, whether or not there is a psychological injury.

Psychological abuse means the use of signs, gestures or other actions by an employee toward or about and in the presence of an individual which a reasonably prudent person would believe to, or the employee knows for that particular individual will, demean, curse, intimidate, harass, cause emotional anguish or distress, threaten harm, or knowingly precipitate maladaptive behavior on the part of the individual.

Exploitation means any act of forcing, compelling, coercing, or enticing an individual to perform services for the advantage of another, with or without an injury.

Abuse also means any physical, sexual or mental abuse resulting in a serious injury inflicted on an individual by another individual.

"Accreditation." A process establishing that a program complies with nationally-recognized standards of care as set by one of the

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following:

community integrative supports.

1998 Hospital Accreditation Standards (Joint Commission on Accreditation of Healthcare Organizations (JCAHO)), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1998);

"Authorized agency representative." The administrative head of an agency appointed by the agency's governing body with overall responsibility for fiscal and programmatic management.

1997-1998 Standards for Behavioral Health Care (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

"Aversive procedures." The application, contingent on the exhibition of a specific behavior that is not adaptive, of unpleasant or painful stimuli, or stimuli that have a potentially noxious affect.

1996 Comprehensive Accreditation Manual for Health Care Networks (Joint Commission on Accreditation of Healthcare Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, 1996);

"Certification." An affirmation by an agency that programs operated under this Part meet the Part's standards and provide services to promote community-integrated living.

Council on Accreditation 1997 Standards for Behavioral Health Care Services and Community Support and Education Services (Council on Accreditation of Services for Families and Children (COA), 120 Wall Street, 11th Floor, New York, New York 10005, 1996);

"Code." The Mental Health and Developmental Disabilities Code [405 ILCS 5].

1997 Personal Outcome Measures (The Council, 100 West Road, Suite 406, Towson, Maryland 21204, 1997);

"Community-integrated living arrangement (CILA)." A living arrangement certified by an agency where eight or fewer individuals with a mental disability reside together in a home under the supervision of the agency and are provided with an array of services. (Section 3(d) of the Community-Integrated Living Arrangements Licensure and Certification Act)

Behavioral Health Standards Manual, CARF, The Rehabilitation Commission (7489 East Grant Road, Tucson, Arizona 85711, 1998);

"Community integration" or "integration into the community." On-going participation in community life including at least the following:

Standards Manual and Interpretive Guidelines for Employment and Community Support Services, CARF, The Rehabilitation Commission (7489 East Grant Road, Tucson, Arizona 85711, 1998); or

The amount of time spent out of the living arrangement in generic (non-disability) related activities such as church, Y.M.C.A., Y.W.C.A., education, library, clubs, shopping and amusements.

Education Standards (National Accreditation Council for Agencies Serving the Blind and Visually Handicapped), 15 West 65th Street, New York, New York, 10023, 1994).

Participation in family activities and celebrations such as holidays, birthdays, reunions, communication (telephone and mail) and vacations.

"Agency." A community mental health or developmental services organization licensed by the Department which is a sole proprietorship, association, partnership, corporation or organization, public or private, either for profit or not for profit, which certifies community-integrated living arrangements for individuals with a mental disability. (Section 3(b) of the Community-Integrated Living Arrangements Licensure and Certification Act)

"Confidentiality Act." The Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

"Agency supervision." Either continuous supervision or support or intermittent supervision or support as defined in this Section.

"Consumer representatives." Persons chosen by individuals and representing the interests of individuals served by an agency such as family members, guardians and advocates.

"Array of services." A range of activities and interventions designed to provide treatment, habilitation, training, rehabilitation and other

"Continuous supervision or support." Direction or assistance provided to an individual under the auspices of the licensed agency. An employee or any other person compensated or in a volunteer capacity, but not the guardian of the individual, with responsibility for care of individuals served from the licensed agency, or another agency through which any portion of CILA services is being provided, must be

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physically present on-site all hours individuals are present. Continuous supervision or support may range from being in immediate line of sight to the individual receiving services, to present and accessible to the individual receiving services, depending on the individual's services plan.

"Day." A calendar day, unless otherwise indicated.

"Deemed status." If an agency has been accredited by an approved accrediting body as identified in the definition of "accreditation" in this Section, the Department shall deem the agency to be in substantial compliance with specific Sections of this Part. Deemed status, however, may be nullified by a finding by the Department that the agency is in substantial non-compliance with one or more of the designated Sections.

"Developmental disability." *A disability which is attributable to mental retardation, cerebral palsy, epilepsy or autism; or to any other condition which results in an impairment similar to that caused by mental retardation and which requires services similar to those required by individuals with mental retardation. Such disability must originate before the age of 18, be expected to continue indefinitely, and constitute a substantial handicap.* (Section 1-106 of the Code)

"Department." The Department of Human Services.

"Diagnosis." A category of disability stated in accordance with either the Classification in Mental Retardation (American Association on Mental Retardation, 1719 Kalorama Road, N.W., Washington, D.C. 20009 (1992)), or the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) (American Psychiatric Association, 1994).

"Economic self-sufficiency." The managing of financial resources which are needed to satisfy the daily needs of an individual including at least involvement in commerce, such as managing money, comparative shopping, selecting clothes, informed selection of foods, diet and purchasing and negotiating.

"Employee." Any person on the agency payroll.

"Entitlements." Government-related financial benefits available to individuals who qualify on the basis of need, disability and/or income, such as Title XVIII (Medicare) (42 USCA 1395b-1 (1996)), Title XIX (Medicaid) (42 USCA 1396a (1996)) and Veteran's Administration benefits (38 USCA 521, 541, 542 (1996)).

"Equivalency." Evidence to substantiate compliance with requirements of this Part by other means than indicated in this Part.

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"Family." Anyone related by blood or marriage to the individual.

"Foster care setting." A living arrangement for recipients in residences of families unrelated to them, for the purpose of providing family care for the recipients on a full-time basis. (Community-Integrated Living Arrangements Act)

"Governing body." The policy-making authority of an agency that establishes policies concerning the agency's operation and the welfare of individuals; provides for the agency's administration by appointing an authorized agency representative to implement its policies; and exercises general oversight of the agency's operation, its fiscal affairs and programmatic content to implement the organization's mission.

"Guardian." The plenary or limited guardian or conservator of the individual appointed by the court for an individual over age 18 so long as the limited guardian's duties encompass concerns related to service requirements, or the natural or adoptive parent of a minor or a person acting as a parent of a minor.

"Habilitation." *An effort directed toward the alleviation of a developmental disability or toward increasing the level of physical, mental, social or economic functioning of an individual with a developmental disability. Additionally, it may include efforts to prevent regression or decelerate loss of function. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, employment related services, protective services, counseling and other services provided to individuals with a developmental disability by developmental disabilities programs.* (Section 1-111 of the Code)

"Imminent risk." A preliminary determination of immediate, threatened or impending risk of illness, mental injury, or physical injury to an individual as would cause a reasonably prudent person to take immediate action and that is not immediately corrected, such as environmental or safety hazards.

"Independence in daily living." Demonstrated ability of an individual to provide for his or her own basic care without outside assistance such as:

Vocational development outside the living arrangement which enables individuals to participate in the workforce such as using on-the-job skills, riding a bus and crossing streets.

Personal care, i.e., maintaining own hygiene, personal space and

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social relationships.

Participation in citizenship activities such as awareness of community norms, voting and volunteering in community projects.

"Individual" or "Individuals." A person or persons who receives or receive community-integrated living arrangement services.

"Individual integrated services plan" or "services plan." A written plan which includes an assessment of the individual's strengths and needs, a description of the array of services needed regardless of availability, objectives for each service, the role of the individual or guardian, significant others and family in the development and implementation of the plan when indicated, an anticipated timetable for the accomplishment of objectives, and the name of the person or persons responsible for the implementation of the plan.

"Informed consent." Permission freely granted by the individual or guardian based on full disclosure to the individual or guardian of the benefits and/or liabilities of participation in specific procedures and/or services, including releases of information, as part of the individual's services plan.

"Interdisciplinary process." A set of steps or systems initiated to assess the strengths and needs of an individual with a mental disability with input from the individual requesting and/or receiving services and from the disciplines providing or targeted to provide services in order to collaboratively develop and implement an individual integrated services plan, and to review and/or update the plan. Persons participating in the process shall include, at a minimum, the individual and his or her legal guardian, the individual's family, unless a legally competent individual chooses not to have the family involved or the family refuses to be involved, a qualified mental retardation professional or qualified mental health professional and other members of the community support team.

"Intermittent supervision or support." Supervision or support provided to an individual under the auspices of a licensed agency less than 24-hours per day. When employees are not on-site, supervision or support shall be provided by means of 24-hour on-call availability and by a variety of alternatives or supports, such as non-disabled roommates, paid neighbors, non-paid family members and other formal or informal arrangements.

"Linkage." Person-to-person contact to assure that the supports and services needed by the individual and specified in the individual integrated services plan are obtained or regularly made accessible and available to an individual who chooses to not use them initially. The

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qualified mental retardation professional, qualified mental health professional or mental health professional under the supervision of the qualified mental health professional shall be responsible for assuring linkage.

"Living arrangement." An apartment, house or one or more units in a multi-unit dwelling where an individual has chosen to live or where the individual's guardian has chosen for him or her to live.

"Mental disability" or "mentally disabled." A developmental disability, a mental illness, or both.

"Mental health professional (MHP)." A mental health professional who provides services under the supervision of a qualified mental health professional, as defined below, in providing services specified in Subpart B of this Part to an individual and his or her family, as necessary. The mental health professional must possess a bachelor's degree in social work, sociology, psychology, counseling, rehabilitation, or art and recreation therapy or possess a practical nurse license pursuant to the Nursing and Advanced Practice Nursing Act [225 ILCS 65] or have a minimum of five years of supervised experience in a mental health service.

"Mental illness." For purposes of this Part, mental illness refers to the target population of adults with serious mental illness (SMI), as established by the Department's Office of Mental Health as follows:

Individuals with serious mental illness are adults whose emotional or behavioral functioning is so impaired as to interfere with their capacity to remain in the community without supportive treatment. The mental impairment is severe and persistent and may result in a limitation of their capacities for primary activities of daily living, interpersonal relationships, homemaking, self-care, employment or recreation. This impairment may limit their ability to seek or receive local, State or federal assistance such as housing, medical and dental care, rehabilitation services, income assistance and food stamps, or protective services.

The individual must have one of the following diagnoses that meets DSM-IV criteria and that is the focus of the treatment being provided:

Schizophrenia (295.xx)

Schizophreniform disorder (295.4)

Schizo-affective disorder (295.7)

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Delusional disorder (297.1)

Shared psychotic disorder (297.3)

Brief psychotic disorder (298.8)

Psychotic disorder NOS (298.9)

Bipolar disorders (296.0x, 296.4x, 296.5x, 296.6x, 296.7, 296.80, 296.89, 296.90)

Cyclothymic disorder (301.13)

Major depression (296.2x, 296.3x)

Obsessive-compulsive disorder (300.30)

Anorexia nervosa (307.1)

Bulimia nervosa (307.51)

And the individual must meet the criteria for either treatment history or functional criteria as follows:

Treatment history. (Treatment history covers the client's lifetime treatment and is restricted to treatment for the DSM-IV diagnosis specified in this definition.) To qualify under treatment history, the individual must meet at least one of the following criteria:

Continuous treatment of six months or more, including treatment during adolescence, in one, or a combination of, the following modalities: inpatient treatment, day treatment or partial hospitalization;

Six months continuous residence in residential programming (e.g., long-term care facility or assisted, supported or supervised residential programs);

Two or more admissions of any duration to inpatient treatment, day treatment, partial hospitalization or residential programming within a 12-month period;

A history of using the following outpatient services over a one-year period, either continuously or intermittently: psychotropic medication management, case management, outreach and engagement services; or

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Previous treatment in an outpatient modality, and a history of at least one mental health psychiatric hospitalization.

Functional criteria. (Functional criteria have been purposely narrowed to descriptors of the most serious levels of functional impairment and are not intended to reflect the full range of possible impairment.) To qualify under functional criteria, the individual must meet at least two of the following. The individual:

Has a serious impairment in social, occupational or school functioning;

Is unemployed or working only part-time due to mental illness and not for reasons of physical disability or some other role responsibility (e.g., student or primary caregiver for dependent family member); is employed in a sheltered setting or supportive work situation; or has markedly limited work skills;

Requires help to seek public financial assistance for out-of-hospital maintenance (e.g., Medicaid, SSI, other indicators);

Does not seek appropriate supportive community services, e.g., recreational, educational or vocational support services, without assistance;

Lacks supportive social systems in the community (e.g., no intimate or confiding relationship with anyone in his/her personal life, no close friends or group affiliations, is highly transient or has inability to co-exist within a family setting);

Requires assistance in basic life and survival skills (must be reminded to take medication, must have transportation to mental health clinic and other supportive services, needs assistance in self-care, household management, food preparation or money management, etc., is homeless or at risk of becoming homeless); or

Exhibits inappropriate or dangerous social behavior that results in demand for intervention by the mental health and/or judicial/legal system.

If the individual does not currently meet the functional criteria listed above, but is currently receiving treatment and has a history within the past five years of functional impairment

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meeting two of the functional criteria listed above that persisted for at least 12 months, and there is documentation supporting the professional judgment that regression in functional impairment would occur without continuing treatment, then the individual will be determined to have met the functional criteria.

"Mental retardation." The essential feature of mental retardation is significantly subaverage general intellectual functioning that is accompanied by significant limitations in adaptive functioning in at least two of the following skill areas: communication, self-care, home living, social/interpersonal skills, work, leisure, health, and safety. The onset must occur before age 18 years. (See DSM-IV.)

"Moral turpitude." Moral quality of being inherently base, depraved, vile or wicked.

"Natural environment." Locations and settings where an individual lives, works and socializes and carries out activities of daily living.

"Neglect."

Any failure by an agency or employee thereof to carry out required and appropriate clinical services, habilitation, or treatment as ordered by a physician or other authorized personnel that is the proximate cause of psychological harm or physical injury to an individual. Consideration shall be given in instances when the right of the individual to refuse such clinical services, treatment or habilitation is asserted; or

Any act or omission by an agency or employee thereof that endangers an individual's health or safety or fails to respond to an obvious and immediate need of an individual, regardless of whether or not there is an injury; or

Any act or omission by an agency or employee thereof that results in any documented physical injury to an individual the circumstances or nature of which would cause a reasonably prudent person to believe neglect by the agency has occurred. Consideration shall be given to whether the injury was repeated or preventable. This includes individual to individual assaults that are allegedly the result of employee or agency neglect; or

Any act or omission by an agency or employee thereof that results in an individual's absence that would cause a reasonably prudent person to believe neglect by an employee or agency has occurred; or

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Any act or omission by an agency or employee thereof that results in any individual sexual penetration, sexual molestation, or sexual exploitation where one of the participants is unwilling or unable to consent to sexual activity of which an employee or agency has or should have knowledge that would cause a reasonably prudent person to believe neglect by an employee or agency has occurred; or

Any act or omission by an agency or employee thereof that results in any exploitation of an individual by another individual of which an employee or agency has or should have knowledge that would cause a reasonably prudent person to believe neglect by an employee or agency has occurred.

"Notice of violation." A report submitted to an agency by OALC listing the agency's deficiencies with this Part noted during a survey.

"OALC." The Department's Office of Accreditation, Licensure and Certification.

"Paraprofessional." An employee or contractual worker not designated as a professional by virtue of license, certification, or education, and who assists a professional.

"Plan of correction." A written plan submitted by an agency to the Office of Accreditation, Licensure and Certification (OALC), in response to a notice of violation, which describes the steps the agency will take in order to bring a program or services into compliance, and the timeframes for completion of each step.

"Pre-admission screening (PAS) agent." Contracted community agency acting as a Department agent to provide comprehensive documentation for Illinois' pre-admission screening system and to incorporate the requirements imposed by the U.S. Health Care Financing Administration (HCFA) to support reimbursement claims under Title XIX of the Social Security Act (42 USCA 1396 (1996)).

"Professional." An employee or contractual worker designated as a professional by virtue of license, certification, or education.

"Progress notes." Narrative documentation in an individual's record of service provision and its relationship to the individual integrated services plan.

"Psychotropics." Drugs used for antipsychotic, antidepressant, antianxiety and/or antianxiety purposes as listed in the AHFS '96 Drug Information (American Society of Health-System Pharmacists, 7272 Wisconsin Avenue, Bethesda MD 20914, 1996), Drug Information for the

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Health Care Professional, USPDI, 17th edition (United States Pharmacopoeial Convention, Inc., 12601 Twinbrook Parkway, Rockville MD 20852, 1997) or the Physician's Desk Reference (PDR) (Medical Economic Company (1996), published annually).

"Qualified mental health professional (QMHP)." One of the following:

A physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine or osteopathy with training in mental health services or one year of clinical experience, under supervision, in treating problems related to mental illness, or specialized training in the treatment of children and adolescents;

A psychiatrist (a physician licensed under the Medical Practice Act of 1987) who has successfully completed a training program in psychiatry approved by the American Medical Association or the American Osteopathic Association or other training program identified as equivalent by the Department;

A psychologist licensed under the Clinical Psychologist Licensing Act [225 ILCS 15] with specialized training in mental health services;

A social worker possessing a master's or doctoral degree in social work and licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20] with specialized training in mental health services;

A registered nurse licensed under the Nursing and Advanced Practice Nursing Act [225 ILCS 65] with at least one year of clinical experience in a mental health service or a master's degree in psychiatric nursing;

An occupational therapist registered pursuant to the Illinois Occupational Therapy Practice Act [225 ILCS 75] with at least one year of clinical experience in a mental health setting;

An individual with a master's degree and at least one year of clinical experience in mental health services and who holds a license to practice marriage and family therapy pursuant to the Marriage and Family Therapy Licensing Act [225 ILCS 55]; or

An individual possessing a master's or doctoral degree in counseling and guidance, rehabilitation counseling, social work, vocational counseling, psychology, pastoral counseling or family therapy, or related field, who has successfully completed a practicum and/or internship which includes a minimum of 1,000

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hours, or who has one year of clinical experience under the supervision of a qualified mental health professional or who is a licensed social worker holding a master's degree with two years of experience in mental health services, or who is a permanently licensed professional counselor under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107] holding a master's degree with one year of experience in mental health services.

"Qualified mental retardation professional (QMHP)." A QMHP must:

Have at least one year of experience working directly with individuals with mental retardation or other developmental disabilities and be one of the following:

A doctor of medicine or osteopathy licensed pursuant to the Medical Practice Act of 1987;

A registered nurse licensed pursuant to the Nursing and Advanced Practice Nursing Act;

An occupational therapist or occupational therapist assistant certified by the American Occupational Therapy Association or other comparable body (Illinois Occupational Therapy Practice Act);

A physical therapist certified by the American Physical Therapy Association or other comparable body (Illinois Physical Therapy Act [225 ILCS 90]);

A physical therapist assistant registered by the American Physical Therapy Association or a graduate of a two-year college-level program approved by the American Physical Therapy Association or comparable body;

A psychologist with at least a master's degree in psychology from an accredited school (Clinical Psychologist Licensing Act);

A social worker with a bachelor's degree from a college or university or graduate degree from a school of social work accredited or approved by the Council on Social Work Education or another comparable body (the Clinical Social Work and Social Work Practice Act);

A speech-language pathologist or audiologist with a certificate of Clinical Competence in Speech-Language Pathology or Audiology granted by the American Speech

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Language Hearing Association or comparable body or meeting the education requirements for licensure and being in the process of accumulating the supervised experience required for licensure (the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 1101]);

A professional recreation staff person with a bachelor's degree in recreation or in a specialty area such as art, dance, music or physical therapy;

A professional dietitian registered by the American Dietetics Association;

A human services professional with a bachelor's degree in a human services field, including but not limited to sociology, special education, rehabilitation counseling and psychology.

"Quality assurance." A systematic and objective approach to monitoring and evaluating the appropriateness, adequacy and quality of services and supports that enable individuals with a mental illness or developmental disability to achieve defined outcomes in their lives..

"Residence." See "living arrangement."

"Seclusion." *Sequestration by placement of an individual alone in a room from which he or she has no means of leaving.* When an individual is placed in a behavior modification program pursuant to his or her integrated services plan, he or she may be removed from a situation that affords positive reinforcement to an area where reinforcement is not available for a reasonable period of time not to exceed 30 minutes and such restrictions shall not constitute seclusion. (Section 1-126 of the Code)

"Secretary." The Secretary of the Department of Human Services or his or her designee.

"Self-administration of medications." An individual's ability to correctly take prescribed medications independently or with prompts when the individual has a mental illness or, if the individual has a developmental disability, has been assessed and determined to be at Level 4 with the Department approved self-administration of medication tool.

"Site." Any living arrangement under one continuous roof in which individuals receiving CILA services live.

"Skills training." Activities which focus on the development of daily

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living skills which enable individuals to achieve optimal independent functioning and economic self-sufficiency.

"Substantial compliance." An evaluation result that determines that a surveyed program or service meets the requirements set forth in this Part sufficiently to be at a Level 1, 2 or 3 and in good standing ~~very when--deficient--the--program--has--documented--a--plan--of--correction--to--rectify--any--deficiency--or--has--an--approved--equivalency--or--waiver--for--it.~~

"Survey." A process to determine the degree of compliance with this Part which an agency has maintained. This includes surveyor observation and an on-site examination of the following: policies, procedures, records of individuals, written plans, and the physical plant. Interviews of individuals and employees and observation of a sample of CILA sites are also a part of the survey.

"Tardive dyskinesia." An abnormal involuntary movement disorder associated with the long-term use of antipsychotic medications. It may be persistent or transient and is characterized by a variable mixture of facial, ocular, oral, lingual, truncal or limb movements.

"Time-out." Contingent removal from a situation in which reinforcement occurs into a situation from which reinforcement does not occur, for a reasonable period of time not to exceed 30 minutes.

"Treatment." *An effort to accomplish an improvement in the mental condition or related behavior of an individual. Treatment includes, but is not limited to, hospitalization, partial hospitalization, outpatient services, examination, diagnosis, evaluation, care, training, psychotherapy, pharmaceuticals and other services provided for individuals by mental health agencies or psychiatric hospitals.* (Section 1-128 of the Code)

"Waiver." An action by the Department in which exceptions to this Part are granted on application by an agency for a period not to exceed the duration of the current license.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART B: SERVICE REQUIREMENTS

Section 115.230 Interdisciplinary process

Agencies licensed to certify CILAs shall comprehensively address the needs of individuals through an interdisciplinary process.

a) Through the interdisciplinary process, the CST shall be responsible

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- for preparing, revising, documenting and implementing a single individual integrated services plan for each individual.
- b) The following shall be included in the interdisciplinary process:
- 1) The individual or his or her legal guardian, or both;
 - 2) Members of the individual's family unless the individual is not legally disabled and does not desire the involvement of the family or the family refuses to participate;
 - 3) Significant other(s) chosen by the individual;
 - 4) The QMWP or the QMHP; and
 - 5) Other members of the CST.
- c) As needed to meet the individual's needs, the following shall be included in the interdisciplinary process:
- 1) Persons in addition to the CST who provide habilitation, treatment or training; and
 - 2) Professionals who assess the individual's strengths and needs, level of functioning, presenting problem(s) and disability(s), service needs and who assist in the design and evaluation of the individual's services plan.
- d) Upon the individual's entry into a CILA, the QMWP or the QMHP shall:
- 1) Document in the record those services being provided to the individual until an individual integrated services plan is developed; and
 - 2) Explain all rights enumerated in Section 115.250 and document in the individual's record that this has been done.
- e) The agency shall assure that each individual receives an initial assessment and assessments that shall be documented in the individual's record and the results explained to the individual and guardian.
- 1) The assessments shall determine the individual's strengths and needs, level of functioning, the presenting problem(s) and disability(s), diagnosis and the services the individual needs.
 - 2) Assessments shall be performed by employees trained in the use of the assessment instruments.
 - 3) Through the selection of the assessment instruments and the interpretation of results, all assessments shall be sensitive to the individual's:
 - A) Racial, ethnic and cultural background;
 - B) Chronological and developmental age;
 - C) Visual and auditory impairments;
 - D) Language preferences; and
 - E) Degree of disability.
 - 4) Initial assessment for individuals with a mental disability shall include:
 - A) A physical and dental examination, both within the past twelve months, which shall include a medical history;
 - B) Previous and current adherence to medication regime and the level of ability to self-administer medications or participate in a self-administration of medication training

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Program; the need for medication training;

- C) A psycho-social assessment including legal status, personal and family history, a history of mental disability and related services, evaluation of possible substance abuse, and resource availability such as income entitlements, health care benefits, subsidized housing and social services;
- D) An assessment with form DMHDD-1215, "Specific Level of Functioning Assessment and Physical Health Inventory," (SIOP) for individuals with a mental illness and with the Inventory for Client and Agency Planning (ICAP) (Riverside Publishing Co., 425 Spring Lake Drive, Itasca, IL 60143, 1986) or the Scales of Independent Behavior (SIB) (DLM Teaching Resources, One DIM Park, Allen, Texas 75002, 1985) for individuals with a developmental disability;
- E) An educational and/or vocational assessment including level of education or specialized training, previous or current employment, and acquired vocational skills, activities or interests;
- F) A psychological and/or a psychiatric assessment; both must be conducted for individuals with both a mental illness and a developmental disability;
- G) A communication screening in vision, hearing, speech, language and sign language; and
- H) Others as required by the individual's disability such as physical therapy, occupational therapy and activity therapy.
- 5) Annual reassessments for individuals with a mental disability shall include:
- A) A physical and dental examination including a review of medications;
 - B) The SIOP for individuals with a mental illness or ICAP or SIB for individuals with a developmental disability; with a annual psychiatric examination for individuals with a mental illness;
 - D) Other initially-assessed areas, as necessary.
- f) Within 30 days after an individual's entry into the CILA program, a services plan shall be developed that:
- 1) Is based on the assessment results;
 - 2) Reflects the individual's or guardian's preference as indicated by a signature on the plan or staff notes indicating why there is no signature and why the individual's or guardian's preference is not reflected;
 - 3) Identifies services and supports to be provided and by whom; and
 - 4) States goals and objectives. Objectives shall:
 - A) Be measurable;
 - B) Have timeframes for completion; and
 - C) Have an employee assigned responsibility.
- g) The individual integrated services plan shall identify the CILA site

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chosen with the individual's and guardian's participation and shall indicate the type and the amount of supervision provided to the individual.

- h) The services plan shall address goals of independence in daily living, economic self-sufficiency and community integration.
- i) The services plan shall include the names and titles of all employees and other persons contributing to the plan.
- j) The services plan shall be signed by the QMRP and the QWHP and the individual or guardian.

- k) The individual or guardian shall be given a copy of the services plan.
- l) The services plan shall become a part of the individual's record.

- m) At least monthly, the QMRP and QWHP shall review the services plan and shall document in the individual's record that:

- 1) Services are being implemented;
- 2) Services identified in the services plan continue to meet the individual's needs or require modification or change to better meet the individual's needs; and

- 3) Actions are recommended when needed.

- n) The CST shall review the services plan as a part of the interdisciplinary process at least annually for individuals with developmental disabilities and semi-annually for individuals with mental illness and shall note progress or regression which might require plan amendment or modification.

- o) All services specified in the services plan, whether provided by an employee of the licensed agency, consultants, or sub-contractors, shall be provided by or under the supervision of a QMRP or a QWHP, as appropriate, based on the individual's primary disability.

- p) Through the interdisciplinary process the CST shall be responsible for determining an individual's ability to transition from continuous supervision or support to an intermittent level of supervision or support.

- 1) If a determination is made that the individual is appropriate for a less restrictive environment, documentation shall be included in the individual's plan identifying time frames for transition. The individual's QMRP or QWHP shall be responsible for monitoring the individual's transitional plan and for documenting the individual's progress toward intermittent supervision and supports.

- 2) If a determination is made that an individual with a developmental disability is appropriate for intermittent supervision and supports, the PAS agency in conjunction with the provider agency must submit a completed CIDA rate determination packet to the Department for development of a rate to support the intermittent supervision and supports.

- 3) For individuals with a developmental disability, funding will remain at the individual's current level of funding for the first three months. At the end of the first three months, the QMRP or QWHP shall convene the CST to assess the individual's attainment

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of his or her goal for less restrictive supervision and supports. If the CST determines that the individual requires additional time to complete a successful transition, a request shall be made in writing to the Department for an extension not to exceed a total of six months. If the CST determines that the individual has not met, and is not likely to meet, his or her goal for less restrictive supervision and supports, the individual will continue to receive continuous supervision or support.

- q) An individual who requires continuous supervision or support indefinitely may stay alone or access the community independently under specific circumstances. The CST must determine that the individual has the ability and desire to stay alone safely for brief periods of time, or access specified locations in the community independently, or with supervision and support other than that provided by agency employees. The individual service plan must state the periods of time and restrictions on activities when at home, and locations and time frames for accessing the community. The individual will successfully complete an assessment demonstrating the skills necessary to assure his or her safety, and this must be part of the individual's record. This should occur only as part of the individual's habilitation/treatment process, and not to accommodate staffing concerns.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 115.240 Medical services and medications

When medical services and/or medications are provided, or their administration is supervised, by employees of the licensed agency, the licensed agency shall certify that they are provided or their administration is supervised in accordance with the Medical Practice Act of 1987 and the Nursing and Advanced Practice Nursing Act. The agency shall additionally document:

- a) A physician shall be responsible for the medical services provided to individuals, and the management of individuals' medications.
- b) A licensed prescriber shall prescribe and monitor all prescription medications.
- c) A physician shall perform an examination of the individual prior to the initiation of psychotropic medications.
- d) Screening for and documentation of abnormal involuntary movements, including tardive dyskinesia, in individuals receiving prescribed psychotropics shall be completed at least every six months by employees trained in performing this type of assessment.
- e) A physician shall review the medications prescribed and shall see the individual at least every six months, and every three months if psychotropic medications have been prescribed. Physician documentation within the individual's record shall include, but is not limited to, the following:

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- 1) Rationale for continuing current medications and/or initiating new medications; and
- 2) Medication or registered professional nurse shall evaluate ~~review~~ **and improve** ~~if the~~ the ability of the individual to self-administer medications. Ability to self-administer medication shall be reassessed at least quarterly for individuals with mental illness (including those dually diagnosed with a mental illness and a developmental disability) and at least annually for individuals with a developmental disability. ~~and~~ **and** individuals with a developmental disability (including those dually diagnosed with a mental illness and a developmental disability) shall be evaluated using Department approved screening and assessment tools.

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(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART C: GENERAL AGENCY REQUIREMENTS

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Section 115.320 Administrative requirements

- a) Governing body

1) Each agency which is owned or operated by any corporation, association, or unit of local government shall have a governing body in which is vested authority and responsibility for the organization, management, control, and operation of the agency and all programs, services, facilities and residences it administers.

2) Each agency shall have provisions for obtaining input from consumers and/or consumer representatives to the governing body.

- b) Staffing

1) Mental health and developmental disabilities employees shall be licensed or certified as required by Illinois laws.

2) When paraprofessional or untrained employees are used in direct services, they shall be supervised in the provision of services by professional employees.

3) An agency shall not employ an individual in any capacity, until the agency has inquired of the Department of Public Health as to information in the Nurse Aid Registry concerning the individual. If the Registry has information of a substantiated finding of abuse or neglect against the individual, the agency shall not employ him or her in any capacity.

- c) General program requirements

Agencies funded by the Department shall meet the following general program requirements for all funded services:

- 1) Service setting

Services shall be provided in the setting most appropriate to the needs of and reflecting the preferences of the individual. This may include the individual's home, the agency, or the community. All settings shall be used innovatively in order to reach the target populations.

- 2) Recordkeeping

A) Cumulative case records including an individualized service plan shall be maintained for each individual.

B) The individualized service plan shall state the goals for each individual. The individual shall be afforded the opportunity and encouraged to participate in goal/objective selection. Goals/objectives shall include timeframes specified by the agency's professional employees, in consultation with the individual and relevant collaterals. "Individualized service plan", as used herein, refers to and is equivalent to "individual treatment plan" and "individual habilitation plan".

3) Behavior management and human rights review

Each agency is required to establish or ensure a process for the periodic review of behavior intervention and human rights issues involved in the individual's treatment and/or habilitation.

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Agencies required to have behavior intervention and human rights review policies and procedures under licensure or certification standards shall continue to comply with those standards.

4) Abuse and neglect

Each agency shall have and use a process for reporting and handling instances of abuse and neglect in accordance with applicable standards, regulations and laws that shall include notification of the individual allegedly abused or neglected and his or her guardian or parent of the allegation with 24 hours after receiving the allegation.

5) Admission to programming

A) Agencies shall not discriminate in the admission to and provision of needed services to individuals on the basis of race, color, sex, religion, national origin, ancestry, or disability.

B) Admission policies and procedures shall be set forth in writing and be available for review.

6) Compliance with life safety standards and requirements

All program facilities shall be in compliance with applicable State licensure requirements and local ordinances with regard to fire, building, zoning, sanitation, health, and safety requirements.

7) Personnel requirements

A) A licensed physician (MD or DO) shall assume medical and legal responsibility for medical services offered in any program, including prescription of medications.

B) All services shall be provided by appropriately trained employees, operating under the supervision of qualified clinical professionals.

8) Mandated services

A) Mandated services shall be provided according to the requirements as stated in the Department's rules at 59 Ill. Adm. Code 125 (Recipient Discharge/Linkage/Aftercare).

B) The Department shall monitor the provision of mandated follow-up monitoring services as outlined in 59 Ill. Adm. Code 125.

9) Utilization review

Utilization review is the ongoing review of services delivered, their intensity and their duration, to determine adherence to generally accepted guidelines or standards regarding the individual's assessment, eligibility for service and appropriateness of services rendered. Agencies shall engage in a utilization review process for all program services.

10) Visits to programs

The agency shall ensure that Department-authorized consumer interest groups shall be permitted, with the consent of individuals, to visit agencies and living arrangements owned or leased by an agency.

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d) Training

1) Direct service employees and any other compensated persons with responsibility for direct care of individuals served shall demonstrate competence in training areas listed in subsections (d)(1)(A) through (M) as a part of an orientation program. Anyone specified in this subsection (d)(1) without previous experience in direct service to individuals shall receive training and demonstrate competence prior to unsupervised responsibility for direct service unless trained employees are on site and available for on-the-job training. Direct service providers as specified above who have completed training in the below mentioned areas, and demonstrated competence as documented in their records, shall not be required to repeat that training as part of their orientation. Anyone specified in this subsection (d)(1) who has not demonstrated competence shall receive training until he or she can demonstrate competence in the following areas, as recorded in his or her records. All direct service employees and any other compensated persons, regardless of staffing model, shall receive training and demonstrate competence as documented in employee records in the following training areas:

- A) Cardiopulmonary resuscitation (CPR), Heimlich maneuver and first aid;
- B) Concepts of treatment, habilitation and rehabilitation including behavior management, normalization, age appropriateness and psycho-social rehabilitation depending on the needs of the individuals served or to be served;
- C) Safety, fire, and disaster procedures;
- D) Abuse, neglect and unusual incident prevention, handling and reporting;
- E) Individual rights in accordance with Chapter II of the Code and maintaining confidentiality in accordance with the Confidentiality Act;
- F) The nature and structure of the individual integrated services plan;
- G) The type, dosage, characteristics, effects and side effects of medications prescribed for individuals. The agency shall assure that there is sufficient training in this area to provide coverage during expected and unexpected absences of caregivers by others who have been determined competent;
- H) Screening for involuntary muscular dyskinesia; indicative of tardive dyskinesia; screening for involuntary muscular movement, which may be indicative of tardive dyskinesia;
- I) Development and implementation of an individual integrated services plan;
- J) Formal assessment instruments used and their role in the development of the services plan;
- K) Documentation and recordkeeping requirements with reference to the services plan;

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- L) Other training which relates specifically to the type of disability or treatment and intervention techniques being used specific to individuals living in CIAs geared toward assisting employees to execute objectives obtained in the services plans; and
- M) The techniques associated with monitoring and regulating hot water temperatures prior to and during an individual's use to ensure safe hand-washing, hair-washing, bathing and showering procedures; and
- N) In CIA programs for persons with developmental disabilities, all unlicensed, direct care employees, prior to assuming responsibility for supervising the self-administration of medication training programs or for administration of medications for persons with developmental disabilities, will successfully complete a Department approved training program provided by an agency Nurse-Trainer pursuant to 59 Ill. Adm. Code 116.

1) All agency Nurse-Trainers will be registered professional nurses.

ii) Department's Master Nurse-Trainer will be trained by the Department's training specified in subsection (d)(1) of this Section, each direct service employee shall participate in ongoing employee development activities as outlined in the agency's employee development plan.

- 3) All training shall be documented and shall be readily available for review by Department surveys.
- 4) The agency shall implement a written training plan which lists training to be offered to meet the requirements of this Part, the methods used for completion of any required training, and the process used to determine competency.

e) Volunteer training

The agency shall provide an orientation and training program for volunteers specific to volunteer duties and shall provide supervision as necessary. Volunteers with responsibility for care of individuals served must complete and demonstrate competency in the training areas specified in subsection (d) above.

f) Quality assurance

1) There shall be a written quality assurance plan and ongoing activities designed to review and evaluate services to individuals, operation of programs and to resolve identified problems.

2) The agency's quality assurance program shall be the basis for annually certifying to the Department that individuals are receiving appropriate community-based services consistent with their services plans, that all programs and services are supervised by the agency and comply with this Part.

A) If a certified CIA does not continue to meet standards, the

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agency shall correct deficiencies within 30 days; or

B) If deficiencies in a certified CIA cannot be corrected within 30 days, the agency shall withdraw certification of the CIA program in question and notify the Department. The agency shall remain responsible for those individuals who live in or lived in the affected CIA.

g) Unusual incidents

1) The agency shall have written policies and procedures for handling, investigating, reporting, tracking and analyzing unusual incidents through the agency's management structure, up to and including the authorized agency representative. The agency shall ensure that employees demonstrate their knowledge of, and follow, such policies and procedures. Unusual incidents shall include, but are not limited to, the following:

- A) Sexual assault;
- B) Abuse or neglect;
- C) Death;
- D) Physical injury;
- E) Assault;
- F) Missing persons;
- G) Theft; and
- H) Criminal conduct.

2) Within 24 hours of occurrence the agency shall report any incident which is subject to the Criminal Code of 1961 [720 ILCS 5] to the local law enforcement agencies.

3) The agency shall ensure that suspected instances of abuse or neglect against individuals in programs which are licensed by the Department are reported to the Office of Inspector General (Section 6.2 of the Abused and Neglected Long Term Facility Residents Reporting Act [210 ILCS 30/6.2]).

h) Individuals' records

1) The agency shall ensure the confidentiality of individuals' records in accordance with the Act and shall ensure safekeeping of all records against loss or destruction.

2) The agency shall maintain a chronological record for each individual. Records shall be located at the program site at which individuals are being served.

A) Each entry shall be legible, dated and authenticated by the signature and title of the person making the entry.

B) Corrections shall be initialed and made in such a way as to leave the original incorrect entry legible.

C) When symbols or abbreviations are used, the agency shall provide a legend to explain them which shall be standardized throughout the agency.

3) On an individual's entry into the agency, the following information shall be obtained, recorded and updated as necessary in the individual's record:

A) Identifying information including name, date of birth, sex,

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race, social security number and legal status;

- B) The name, address and telephone number of the legal guardian or the person to be notified in case of an emergency;
 - C) The language spoken or understood by the individual including, in the case of an individual who is hearing impaired, the individual's preferred mode of communication, e.g., American sign language, signed English, aural, oral or tactile communications device;
 - D) Prescribed medications, reactions and side effects to substances, allergies to foods, other medications and substances;
 - E) Physical and dental examinations, and medical history;
 - F) Consent to receive emergency medical services; and
 - G) Copies of the authorization for release of information.
- 4) The following shall be entered in the individual's record during the period of service:
- A) Written informed consent by the individual or guardian to participate in a CLIA;
 - B) Prior service history;
 - C) Initial assessment and individual integrated services plan and reassessments, and individual integrated services plan as described in Section 115.230;
 - D) Documentation of approval to use special procedures and the results of their use;
 - E) Progress notes, which shall be entered chronologically and at least monthly, documenting the individual's involvement in and response to the services plan.
- 5) Electronic signature or computer-generated signature codes are acceptable as authentication of record content.
- A) In order for an agency to employ electronic signatures or computer-generated signature codes for authentication purposes, the agency must adopt a policy that permits authentication by electronic or computer-generated signature.
 - B) At a minimum, the policy shall include adequate safeguards to ensure confidentiality of the codes, including, but not limited to, the following:
 - i) Each user must be assigned a unique identifier that is generated through a confidential access code.
 - ii) The agency must certify in writing that each identifier is kept strictly confidential. This certification must include a commitment to terminate a user's use of a particular identifier if it is found that the identifier has been misused. "Misused" shall mean that the user has allowed another person or persons to use his or her personally assigned identifier, or that the identifier has otherwise been inappropriately used.

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- iii) The user must certify in writing that he or she is the only person with user access to the identifier and the only person authorized to use the signature code.
 - iv) The agency must monitor the use of identifiers periodically and take corrective action as needed. The process by which the agency will conduct monitoring shall be described in the policy.
 - C) A system employing the use of electronic signatures or computer-generated signature codes for authentication shall include a verification process to ensure that the content of authenticated entries is accurate. The verification process shall include, at a minimum, the following provisions:
 - i) The system shall require completion of certain designated fields for each type of document before the document may be authenticated, with no blanks, gaps or obvious contradictory statements appearing within those designated fields. The system shall also require that correction or supplementation of previously authenticated entries shall be made by additional entries, separately authenticated and made subsequent in time to the original entry.
 - ii) The system must make an opportunity available to the user to verify that the document is accurate and the signature has been properly recorded.
 - iii) The agency must periodically sample records generated by the system to verify the accuracy and integrity of the system.
 - D) Each report generated by a user must be separately authenticated.
 - i) Financial and operational requirements
- Agencies licensed to provide CIHAs shall comply with Department rules regulating their contractual and financial relationship with the Department.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF LABOR

NOTICE OF PROPOSED RULES

1) **Heading of the Part:** Day Labor Services Act

2) **Code Citation:** 56 Ill. Adm. Code 260

3) **Section Number:** Proposed Action:
 260.100 New Section
 260.200 New Section
 260.210 New Section
 260.220 New Section
 260.230 New Section
 260.300 New Section
 260.310 New Section
 260.320 New Section

4) **Section Authority:** Implementing and authorized by Section 45 of the Day Labor Services Act (820 ILCS 175/45).

5) **A Complete Description of the Subjects and Issues Involved:** The proposed rulemaking implements Section 45 of the Day Labor Services Act, a provision requiring the Department of Labor to adopt rules for: (1) registering day labor service agencies; and (2) addressing violations of the Act.

6) **Will this proposed rule replace an emergency rule currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Does this proposed rule contain incorporations by reference?** No

9) **Are there any other proposed rules pending on this Part?** No

10) **Statement of Statewide Policy Objective:** This rulemaking does not create or expand any State mandate.

11) **Time, place and Manner in which interested persons may comment on the proposed rulemaking:** Written comments should be submitted, within 45 days of this notice, to:

Tamara Tanzillo, Deputy Director
 Illinois Department of Labor
 North LaSalle Street, Suite C-1300
 Chicago, Illinois 60601
 (312) 793-1612

A public hearing is scheduled on:

Friday, January 7, 2000, at 1:00 P.M.
 Illinois Department of Labor

DEPARTMENT OF LABOR

NOTICE OF PROPOSED RULES

160 North LaSalle Street, Suite C-1300
 Chicago, Illinois 60601

12) **Initial Regulatory Flexibility Analysis:**

A) **Types of small businesses, small municipalities and not for profit corporations affected:** The rulemaking affects any person or entity engaged in the business of employing day laborers to provide services to or for any third party employer pursuant to a contract with the day labor service and the third party employer. Day labor does not include labor or employment of a professional or clerical nature.

B) **Reporting, bookkeeping or other procedures required for compliance:** Registration of the day labor service agency with the Department.

C) **Types of professional skills necessary for compliance:** None

13) **Regulatory Agenda on which this rulemaking was summarized:** This rulemaking was not included on either of the 2 most recent agendas because Governor Ryan approved the enabling statute on August 14, 1999, too late for inclusion on the July agenda.

The full text of the proposed rule begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF PROPOSED RULES

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER 1: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 260

DAY LABOR SERVICES ACT

SUBPART A: GENERAL PROVISIONS

Section
260.100 Definitions

SUBPART B: REGISTRATION PROCESS

Section
260.200 Registration
260.210 Content of Application to Register
260.220 Expiration and Renewal of Registration
260.230 Registration Fee

SUBPART C: SUSPENSION OR REVOCATION OF REGISTRATION

Section
260.300 Suspension or Revocation
260.310 Hearings
260.320 Considerations in Reaching a Decision

AUTHORITY: Implementing and authorized by Section 45 of the Day Labor Services Act [820 ILCS 175/45].

SOURCE: Adopted at 24 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 260.100 Definitions

"Act" means the Day Labor Services Act [820 ILCS 175].

"Day" means a calendar day.

"Day Laborer" means a natural person who contracts for employment with a day labor service agency.

"Day Labor" means labor or employment that is occasional or irregular at which a person is employed for not longer than the time period required to complete the assignment for which the person was hired and where wage payments are made directly or indirectly by the day labor

DEPARTMENT OF LABOR

NOTICE OF PROPOSED RULES

service agency or the third party employer for work undertaken by day laborers pursuant to a contract between the day labor service agency and the third party employer. "Day labor" does not include labor or employment of a professional or clerical nature.

"Day Labor Service Agency" means any person or entity engaged in the business of employing day laborers to provide services to or for any third party employer pursuant to a contract with the day labor service and the third party employer.

"Department" means the Illinois Department of Labor.

"Third Party Employer" means any person that contracts with a day labor service agency for the employment of day laborers. [820 ILCS 175/5]

SUBPART B: REGISTRATION PROCESS

Section 260.200 Registration

- a) No person or entity shall employ day laborers to provide services to or for any third party employer pursuant to a contract with itself and the third party employer unless that person or entity has obtained a non-transferable certificate from the Department evidencing the person or entity is registered with the Department.
- b) A day labor service agency must register each location with the Department from which it will be operated unless the agency is owned and managed by the same individual, firm, corporation, partnership or other legal entity.
- c) A day labor service agency shall keep, and prominently display, the certificate of registration at each location where it operates.
- d) A person or entity that is licensed as a private employment agency must also register with the Department as a day labor service agency if it engages in the business of employing day laborers to provide services to or for any third party employer pursuant to a contract with the person or entity and the third party employer.
- e) A person or entity must register as a day labor service agency with the Department when, on an isolated or incidental basis, it employs persons to provide professional or clerical services to or for any third party employer pursuant to a contract with the person or entity and the third party employer, in addition to its primary business of employing day laborers to provide services to or for any third party employer pursuant to a contract with the person or entity and the third party employer.

Section 260.210 Content of Application to Register

An application to register a day labor service agency, and an application for

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registration renewal, shall be made on a form provided by the Department. The application shall contain but is not limited to the following:

- a) The name, address, federal employer identification number, and telephone number of the applicant, including the trade and/or assumed name by which the applicant does business;
- b) If the applicant is a corporation, a copy of its articles of incorporation, a copy of its current bylaws and the names and addresses of its officers and directors and the names and addresses of shareholders owning more than 5% of the corporation's stock shall be provided for the initial registration. Application for registration renewal shall contain any amendments to the articles of incorporation and bylaws, the names and addresses of any new officers and directors, and the names and addresses of any new shareholders owning more than 5% of the corporation's stock;
- c) If the applicant is a partnership, the names, business or personal addresses, and telephone numbers of all partners. Application for registration renewal shall contain the names, business or personal addresses, and telephone numbers of all new partners;
- d) The name, address, federal employer identification number, and telephone number of the registered agent for the place of business, including the position held by that person or entity with the applicant. Application for registration renewal shall contain the name, address, federal employer identification number, and telephone number of any new registered agent for the place of business, including the position held by that person or entity with the day labor service agency;
- e) The name and locations of premises from which the day labor service agency will provide services. Application for renewal shall contain any new name and locations of premises from which the day labor service agency will provide services;
- f) The name and address of the person under whose management or supervision the day labor service agency will be operated. Application for registration renewal shall include the name and address of any new person under whose management or supervision the day labor service agency will be operated;
- g) Evidence of compliance or intent to comply with the Illinois Wage Payment and Collection Act [820 ILCS 115];
- h) Certification that the applicant, if an individual, is 18 years of age or older;
- i) An oath or affirmation certifying that all information contained within, and attached to, the application is true and complete; and
- j) The notarized signature of the individual submitting the application.

Section 260.220 Expiration and Renewal of Registration

- a) Registration of a day labor service agency shall be for a term of one year and shall expire one year from the registration date unless the Department revokes or suspends the registration sooner. A period of

DEPARTMENT OF LABOR

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suspension does not extend the registration for any period of time.
 b) A day labor service agency must apply for renewal at least 90 days prior to the expiration of its registration with the Department.

Section 260.230 Registration Fee

- a) The initial application to register a day labor service agency must be accompanied by a \$250 fee.
- b) The application for renewal of registration must be accompanied by a \$250 fee.
- c) The fee to initially apply for, or renew, a registration shall be paid by certified check, cashior's check or money order made payable to the Illinois Department of Labor.
- d) The fee to initially apply for, or renew, a registration is not refundable.

SUBPART C: SUSPENSION OR REVOCATION OF REGISTRATION

Section 260.300 Suspension or Revocation

The registration of a day labor service agency with the Department shall be suspended or revoked for, but not limited to, any of the following reasons:
 a) A violation of, or failure to comply with, any provision of the Act or of this Part;

- b) Knowingly making any misrepresentation or false statement in connection with an application for, or renewal of, a registration of a day labor service agency with the Department; or
- c) For any conduct or practice found, as a result of an administrative hearing, to be detrimental to public health and safety.

Section 260.310 Hearings

- a) Before suspending or revoking a registration of a day labor service agency, the Department shall notify the person or entity in writing by certified mail, setting forth the particular reason for the proposed action and fixing a date, not less than 14 days from the date of the mailing at which time the day labor service agency shall be given an opportunity for a hearing.
- b) Hearings conducted under this Part are formal in nature and shall be convened pursuant to the provisions of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and 68 Ill. Adm. Code 680.230.

Section 260.320 Considerations in Reaching a Decision

In deciding whether the findings warrant a determination to suspend or revoke a registration of a day labor service agency, the Department shall consider the following factors:

- a) Whether the conduct violates the intent and purpose of the Act and/or

DEPARTMENT OF LABOR

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- this Part, and was not merely a technical, non-substantive error;
- b) Whether the day labor service agency has taken steps to correct the noted violations;
 - c) Whether the same or similar violations relating to the same conditions or occurrences have been included in previous reports and the day labor service agency has allowed the condition or occurrence to continue or to recur; and
 - d) Whether the violations could pose any direct or potential threat or harm to public health and safety.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Automated External Defibrillator Code

- 2) Code Citation: 77 Ill. Adm. Code 525

- 3) Section Numbers:
 New Section 525.100
 New Section 525.200
 New Section 525.300
 New Section 525.400
 New Section 525.500
 New Section 525.600
 New Section 525.700

- 4) Statutory Authority: Automated External Defibrillator Act (P.A. 91-524)

- 5) A Complete Description of the Subjects and Issues Involved: These rules implement the Automated External Defibrillator Act (P.A. 91-524, effective January 1, 2000). The Act requires the Department to adopt rules regarding the establishment of programs to train individuals as trained AED users. The rules include criteria for the approval of training programs; criteria for recognition as a trained AED user; policies and procedures concerning incident reports; maintenance and oversight of automated external defibrillators; and quality assurance requirements.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

- 7) Does this Rulemaking Contain an Automatic Repeal Date? No

- 8) Does this Rulemaking Contain Any Incorporations By Reference? Yes

- 9) Are there any other Proposed Amendments Pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register* by writing to:

Paul Thompson, Division of Legal Services

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Paul Thompson at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Training programs for AED users.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: Reporting requirements are described in the proposed rules.

C) Types of Professional Skills Necessary for Compliance: Skills required to operate an AED or train AED users.

13) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not included on either of the 2 most recent regulatory agendas because: It implements recently enacted legislation.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 525

AUTOMATED EXTERNAL DEFIBRILLATOR CODE

Section			
525.100	Definitions		External
525.200	Incorporated and Referenced Materials		Automated
525.300	Approval of Training Programs		
525.400	Recognition of Trained AED Users		
525.500	Incident Reports		
525.600	Maintenance and Oversight of Automated External Defibrillators		
525.700	Quality Assurance		

AUTHORITY: Implementing and authorized by the Automated External Defibrillator Act (410 ILCS 4) (see P.A. 91-524).

SOURCE: Adopted at 24 Ill. Reg. _____, effective _____.

Section 525.100 Definitions

Act - the Automated External Defibrillator Act (410 ILCS 4).

Automated External Defibrillator (AED) - a medical device heart monitor and defibrillator that:

Has received approval of its premarket notification, filed pursuant to 21 USC 360(k), from the United States Food and Drug Administration;

Is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed;

Upon determining that defibrillation should be performed, either automatically charges and delivers an electrical impulse to an individual, or charges and delivers an electrical impulse at the command of the operator; and

In the case of a defibrillator that may be operated in either an automatic or manual mode, is set to operate in the automatic mode. (Section 10 of the Act)

Defibrillation - administering an electrical impulse to an individual

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in order to stop ventricular fibrillation or rapid ventricular tachycardia. (Section 10 of the Act)

Department - the Department of Public Health. (Section 10 of the Act)

Emergency Medical Services (EMS) System or System - an organization of hospitals, vehicle service providers and personnel approved by the Department in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS, ILS and/or ALS level pursuant to a System Program Plan submitted to and approved by the Department and pursuant to the EMS Regional Plan adopted for the Region in which the System is located. (Section 3.20 of the Emergency Medical Services (EMS) Systems Act)

First Responder - a person who has successfully completed a course of instruction in emergency first response as prescribed by the Department, who provides first response services prior to the arrival of an ambulance or specialized emergency medical services vehicle, in accordance with the level of care established in the emergency first response course. (Section 3.60 of the Emergency Medical Services (EMS) Systems Act)

Hospital - has the meaning ascribed to that term in Section 3 of the Hospital Licensing Act [210 ILCS 85]. (Section 3.5 of the Emergency Medical Services (EMS) Systems Act)

911 - an emergency answer and response system in which the caller need only dial 9-1-1 on a telephone to obtain emergency services, including police, fire, medical ambulance and rescue.

Person - an individual, partnership, association, corporation, limited liability company, or organized group of persons (whether incorporated or not). (Section 10 of the Act)

Trained AED user - a person who has successfully completed a course of instruction in accordance with the standards of a nationally recognized organization such as the American Red Cross or the American Heart Association or a course of instruction in accordance with this Part to use an automated external defibrillator, or who is licensed to practice medicine in all its branches in this State. (Section 10 of the Act)

Section 525.200 Incorporated and Referenced Materials

- a) The following private and professional organization standards are incorporated in this Part:

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- 1) American Heart Association
Heartsaver AED for the Lay Rescuer and First Responder (1998)
WorldPoint ECC
151 S. Pfingsten Road, Suite E
Deerfield, Illinois 60015

- 2) American Red Cross
Automated External Defibrillation (1998)
311 W. John Gwynn Avenue
Peoria, Illinois 62605-2566

- 3) American Red Cross
American Red Cross Community CPR (1993)
American Red Cross CPR for the Professional Rescuer (1993)
American Red Cross Adult CPR (1993)
American Red Cross Infant and Child CPR (1993)
311 W. John Gwynn Avenue
Peoria, Illinois 62605-2566

- b) All incorporations by reference of the standards of nationally recognized organizations refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.

- c) The following statutes are referenced in this Part:

- 1) Federal statutes:
21 USC 360(k): Registration of producers of drugs or devices; report preceding introduction of devices into interstate commerce.
- 2) State of Illinois statutes:
A) Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
B) Hospital Licensing Act [210 ILCS 85]
C) Medical Practice Act of 1987 [225 ILCS 60]

Section 525.300 Approval of Training Programs

The Department shall approve programs established to train individuals as AED users, in accordance with the following:

- a) The curriculum shall include complete training in cardiopulmonary resuscitation (CPR) prepared according to nationally recognized guidelines (see Section 525.200(a)(3)). (Section 15 of the Act)
- b) The instructors shall have successfully completed the American Red Cross Automated External Defibrillation Training Instructor Course or the American Heart Association Heartsaver AED Instructor Orientation.
- c) Instructors shall renew qualification every two years and shall meet the following criteria:

- 1) Maintain provider status,
- 2) Teach two separate courses per year,
- 3) Complete an update on new information regarding course content,

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- and
- a) Provide documentation that teaching ability was monitored.
 - b) The course shall meet the course objectives of American Heart Association or American Red Cross courses and shall require at least the same number of hours for completion.

Section 525.400 Recognition of Trained AED Users

- a) To be recognized as a trained AED user, an individual shall:
 - 1) Successfully complete a course of instruction in accordance with the standards of a nationally recognized organization such as the American Red Cross or the American Heart Association (see Section 525.200(a)(1) and (2)); or
 - 2) Successfully complete a course of instruction in accordance with Section 525.300 of this Part; or
 - 3) Be licensed to practice medicine in all its branches in Illinois in accordance with the Medical Practice Act of 1987. (Section 10 of the Act)
- b) Recognition of training completed in accordance with this Section shall be valid for two years. To renew recognition as a trained AED user, the individual shall present proof of satisfactory completion of an American Red Cross or American Heart Association renewal course.

Section 525.500 Incident Reports

- a) Each use of an AED shall be reported to the Department and to the EMS System, i.e., each time an AED is brought to a patient.
- b) The report shall include the following information:
 - 1) Date of the incident;
 - 2) Time of the incident;
 - 3) Name of the person who determined the patient's unresponsiveness and how pulselessness was determined;
 - 4) Time that 911 was called;
 - 5) Initial heart rhythm, as documented by the AED;
 - 6) Number of times the patient was defibrillated, as documented by the AED;
 - 7) Name of the person who defibrillated the patient;
 - 8) Final rhythm (as documented by the AED) at the time of arrival of the first response vehicle:
 - A) Breathing, yes or no;
 - B) Pulse, yes or no.
- c) The report shall be faxed or mailed to the Department and the local EMS System the next working day or within 24 hours after the incident.

Section 525.600 Maintenance and Oversight of Automated External Defibrillators

- a) A person acquiring an automated external defibrillator shall take reasonable measures to ensure that:

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- 1) The automated external defibrillator is used only by trained AED users;
- 2) The automated external defibrillator is maintained and tested according to the manufacturer's guidelines;
- 3) The automated external defibrillator is registered with the EMS System hospital in the vicinity of where the automated external defibrillator will be located, which shall oversee utilization of the automated external defibrillator and ensure that training and maintenance requirements are met; and
- 4) Any person who renders out-of-hospital emergency care or treatment to a person in cardiac arrest by using an automated external defibrillator activates the EMS System as soon as possible and reports any clinical use of the automated external defibrillator in accordance with Section 525.500 of this Part. (Section 20(a) of the Act)
- b) A person in possession of an automated external defibrillator shall notify an agent of the local emergency communications or vehicle dispatch center of the existence, location, and type of the automated external defibrillator. (Section 20(b) of the Act)
- c) The EMS System shall notify local ambulance providers of AEDs in the ambulance provider's service area.

Section 525.700 Quality Assurance

- a) The EMS System shall submit the following information to the Department on a quarterly basis, i.e., on or by June 30, September 30, December 31 and March 31 of each year:
 - 1) The number of times that AEDs have been used;
 - 2) The outcome of the incident; and
 - 3) Adverse effects, if any.
- b) Tapes of conversations recorded by an AED are confidential and are available to the Department only upon request.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Community-Based Residential Rehabilitation Center Demonstration Program Code

- 2) Code Citation: 77 Ill. Adm. Code 220

- 3) Section Numbers:

Proposed Action:
 220.1000 New Section
 220.1050 New Section
 220.1100 New Section
 220.1200 New Section
 220.1300 New Section
 220.1400 New Section
 220.1500 New Section
 220.1600 New Section
 220.1700 New Section
 220.1800 New Section
 220.1900 New Section
 220.2000 New Section
 220.2100 New Section
 220.2200 New Section
 220.2300 New Section
 220.2400 New Section
 220.2500 New Section
 220.2600 New Section
 220.2700 New Section
 220.2800 New Section
 220.2900 New Section
 220.3000 New Section
 220.3100 New Section

- 4) Statutory Authority: Alternative Health Care Delivery Act (210 ILCS 3)

- 5) A Complete Description of the Subjects and Issues Involved: These rules establish requirements for licensure of a Community-Based Residential Rehabilitation Center Model under the Alternative Health Care Delivery Act (Act), as amended by P.A. 91-0065. A Community-Based Residential Rehabilitation Center Model is "a designated site that provides rehabilitation or support, or both, for persons who have experienced severe brain injury, who are medically stable, and who no longer require acute rehabilitation care or intensive medical or nursing services." The Act authorizes one such facility, located in the area of Illinois south of Interstate Highway 70.

The rules include licensure application and renewal requirements; provisions for Department inspections and investigations; requirements for admission practices, participant assessment and development of individual rehabilitation plans; requirements for participant care and treatment; record keeping; rights of participants, and residential services;

DEPARTMENT OF PUBLIC HEALTH

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personnel, food service, and physical plant requirements; discharge and follow-up practices; quality assessment and improvement and compliance with the Health Care Worker Background Check Act.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

- 7) Does this Rulemaking Contain an Automatic Repeal Date? No

- 8) Does this Rulemaking Contain Any Incorporations By Reference? No

- 9) Are there any other Proposed Amendments Pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Paul Thompson
 Division of Legal Services
 Illinois Department of Public Health
 535 West Jefferson, Fifth Floor
 Springfield, Illinois 62761
 217/782-2043
 rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Paul Thompson at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: These rules will affect one alternative health

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care facility.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: Procedures are fully explained in the proposed rules.

C) Types of Professional Skills Necessary for Compliance: Professional skills are fully explained in the proposed rules.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: They implement recently effective legislation.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 220

COMMUNITY-BASED RESIDENTIAL REHABILITATION CENTER
DEMONSTRATION PROGRAM CODE

Section	
220.1000	Definitions
220.1001	Referenced Materials
220.1050	Demonstration Program Elements
220.1100	Application for and Issuance of a License to Operate a
220.1200	Community-Based Residential Rehabilitation Center Model
220.1300	Obligations and Privileges of Community-Based Residential
	Rehabilitation Center Model
220.1400	Inspections and Investigations
220.1500	Notice of Violation and Plan of Correction
220.1600	Adverse Licensure Action
220.1700	Policies and Procedures
220.1800	Admission Practices
220.1900	Participant Assessment
220.2000	Individual Rehabilitation Plan
220.2100	Participant Rights
220.2200	Participant Care and Treatment Services
220.2300	Participant Record Requirements
220.2400	Residential Services
220.2500	Medication Administration
220.2600	Discharge and Follow-up Practices
220.2700	Personnel
220.2800	Health Care Worker Background Check
220.2900	Food Service
220.3000	Physical Plant
220.3100	Quality Assessment and Improvement

AUTHORITY: Implementing and authorized by the Alternative Health Care Delivery Act (210 ILCS 3) (see P.A. 91-0065).

SOURCE: Adopted at 24 Ill. Reg. _____, effective _____.

Section 220.1000 Definitions

The following terms have the meaning ascribed to them here whenever the term is used in this Part.

Abuse - any physical or mental injury or sexual assault inflicted on a

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participant other than by accidental means in a facility. Abuse means:

Physical abuse refers to the infliction of injury on a participant that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to patients or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent. Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual assault.

Act - the Alternative Health Care Delivery Act (210 ILCS 3).

Active treatment - an interaction between a participant and staff member that is intended to result in greater autonomy or independence for the participant.

Board - the State Board of Health. (Section 10 of the Act)

Case Manager - the person who is responsible for organizing the provision of services to the participant.

Charitable Care - the intentional provision of free or discounted services to persons who cannot afford to pay for them.

Community-Based Residential Rehabilitation Center Model or Model - a designated site that provides rehabilitation or support, or both, for persons who have experienced severe brain injury, who are medically stable, and who no longer require acute rehabilitation care or intense medical or nursing services. (Section 35(4) of the Act)

Comparable Health Care Providers - other community-based residential rehabilitation programs in the region that are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF).

Demonstration Program or Program - a program to license and study

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alternative health care models authorized under the Act. (Section 10 of the Act)

Department - the Illinois Department of Public Health. (Section 10 of the Act)

Dietician - a person who is a licensed dietician as provided in the Dietetic and Nutrition Services Practice Act (225 ILCS 30).

Director - the Director of Public Health or designee. (Section 10 of the Act)

Individual Rehabilitation Plan - a coordinated plan that identifies rehabilitation goals and outcomes based on the participant's preferences, strengths, and challenges.

Inspection - any survey, evaluation, or investigation of the Community-Based Residential Rehabilitation Center Model's compliance with the Act and this Part by the Department or designee.

Least Restrictive - treating individuals in the least intrusive manner and the least intrusive environment possible, given each individual's needs and the risk of harm to self or others.

Licensee - the person or entity licensed to operate the Community-Based Residential Rehabilitation Center Model.

Neuropsychologist - a person who is licensed as a psychologist under the Clinical Psychologist Licensing Act (225 ILCS 15) who specializes in brain-behavior relationships. The neuropsychologist administers a series of tests to evaluate the person's cognitive, emotional, intellectual, and academic/vocational skills.

Occupational Therapist, Registered (OTR) - a person who is registered as an occupational therapist under the Illinois Occupational Therapy Practice Act (225 ILCS 75).

Operator - the person responsible for the control, maintenance and governance of the Model, its personnel and physical plant.

Owner - the individual, partnership, corporation, association or other person who owns the Model.

Participant - a person who resides in or receives services from a Community-Based Residential Rehabilitation Center Model.

Participant's Representative - a person authorized by the participant or by law to act on behalf of the participant.

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Physical Therapist - a person who is registered as a physical therapist under the Illinois Physical Therapy Act [225 ILCS 90].

Physician - a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60].

Registered Nurse - a person who is licensed as a registered professional nurse under the Nursing and Advanced Practice Nursing Act [225 ILCS 65].

Rehabilitation Team - the primary decision-making body, including the participant and primary rehabilitation personnel, that designs and delivers the aspects of the rehabilitation plan.

Residence - the place where a participant lives that is owned or leased and operated by the Model.

Social Worker - a person who is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act [225 ILCS 20].

Speech/Language Pathologist - a person who is licensed under the Speech-Language Pathology and Audiology Practice Act [225 ILCS 110] and is responsible for diagnosis and treatment of communication disorders, swallowing disorders, and cognitive difficulties.

State Fire Marshal - the Office of the State Fire Marshal, Division of Fire Prevention.

Substantial Compliance - meeting requirements except for variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved.

Section 220.1050 Referenced Materials

The following materials are referenced in this Part:

- a) State of Illinois statutes
 - 1) Alternative Health Care Delivery Act [210 ILCS 3]
 - 2) Dietetic and Nutrition Services Practice Act [225 ILCS 30]
 - 3) Illinois Occupational Therapy Practice Act [225 ILCS 75]
 - 4) Illinois Physical Therapy Act [225 ILCS 90]
 - 5) Medical Practice Act of 1987 [225 ILCS 60]
 - 6) Nursing and Advanced Practice Nursing Act [225 ILCS 65]
 - 7) Clinical Social Work and Social Work Practice Act [225 ILCS 20]
 - 8) Clinical Psychologist Licensing Act [225 ILCS 15]
 - 9) Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]
 - 10) Illinois Health Facilities Planning Act [20 ILCS 3960]

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- 11) Nursing Home Care Act [210 ILCS 45]
- 12) Health Care Worker Background Check Act [225 ILCS 46]
- b) Federal Statutes
 - 1) Social Security Act (42 USC 301 et seq., 1395 et seq. and 1396 et seq.)
- c) State of Illinois Rules
 - 1) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
 - 2) Control of Tuberculosis Code (77 Ill. Adm. Code 696)
 - 3) Food Service Sanitation Code (77 Ill. Adm. Code 750)
 - 4) Drinking Water Systems Code (77 Ill. Adm. Code 900)
 - 5) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)
 - 6) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
 - 7) Illinois Accessibility Code (77 Ill. Adm. Code 400)
 - 8) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

Section 220.1100 Demonstration Program Elements

- a) There shall be an authorized Community-Based Residential Rehabilitation Center Alternative Health Care Model in the Demonstration Program. The Community-Based Residential Rehabilitation Center shall be located in the area of Illinois south of Interstate Highway 70. (Section 30(a-15) of the Act)
- b) In a supervised living setting while having immediate access to the community, the Residential Rehabilitation Center authorized by the Department may have more than one residence included under the license. A residence may be no larger than 12 beds and shall be located as an integral part of the community. (Section 35(4) of the Act)
- c) The programs provided in this setting shall be accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF). The program shall have been accredited by CARF as a brain injury community-integrative program for at least 3 years prior to licensure under the Act and this Part. (Section 35(4) of the Act)
- d) The average length of stay in a Community-Based Residential Rehabilitation Center shall not exceed four months. (Section 35(4) of the Act)
- e) The Community-Based Residential Rehabilitation Center Demonstration Program (Program) shall be reviewed annually by the Board to determine if it should continue operation for a period up to five years.
- f) A Community-Based Residential Rehabilitation Center Model (Model) shall be licensed pursuant to this Part to be considered a participant in the Program.
- g) At the midpoint and end of the Program, the Board shall evaluate and make recommendations to the Governor and the General Assembly, through the Department, regarding the Program, in accordance with Section 20(b) of the Act. (Section 20(b) of the Act)

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- h) *The Department shall deposit all application fees, renewal fees and fines collected under the Act and this Part into the Regulatory Evaluation and Basic Enforcement Fund in the State Treasury.* (Section 25(d) of the Act)

Section 220.1200 Application for and Issuance of a License to Operate a Community-Based Residential Rehabilitation Center Model

- a) Applications for a license to operate a Community-Based Residential Rehabilitation Care Center Model shall be in writing on forms provided by the Department. The application shall be made under oath and shall contain the following:
- 1) Proof of a Certificate of Need to establish and operate a Community-Based Residential Rehabilitation Center Model issued by the Health Facilities Planning Board under the Illinois Health Facilities Planning Act (20 ILCS 3960);
 - 2) The name of the proposed Model;
 - 3) The address of the proposed Model;
 - 4) A precise description of the site of the proposed Model;
 - 5) The number of residences;
 - 6) The number of beds per residence;
 - 7) The name of non-resident participants;
 - 8) The name and address of the registered agent or other individual authorized to receive Service of Process for the Model licensee;
 - 9) The name, address and Illinois license numbers of the following persons:
 - A) Medical Director;
 - B) Supervisor of medical services, and
 - C) Program Coordinator/Director;
 - 10) The Model's admission protocol and transfer criteria as required by Section 220.1700;
 - 11) Information regarding any conviction of the owner or operator of the proposed Model of a felony or of any other crime under the laws of any state or of the United States arising out of or in connection with the operation of a health care facility; and
 - 12) Information regarding any encumbrance on a health care license issued in Illinois or any other state to the owner or operator of the proposed Model.
- b) An application for initial and renewal licensure shall be accompanied by an application fee of \$500 plus \$100 for each Community-Based Residential Rehabilitation Center Model bed.
- c) Upon receipt and review of a complete application for licensure, the Department shall conduct an inspection to determine compliance with the Act and this Part.
- d) If the proposed Model is found to be in substantial compliance with the Act and this Part, the Department shall issue a license for a period of one year. (Section 30 of the Act) The license shall not be transferable; it is issued to the licensee and for the specific

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- e) *An application for license renewal shall be filed with the Department 90 to 120 days prior to the expiration of the license, on forms provided by the Department.*

- 1) The renewal application shall comply with the requirements of subsections (a) and (b) of this Section; and
 - 2) Upon receipt and review of a complete application for license renewal, the Department may conduct a survey. The Department shall renew the license in accordance with subsection (d) of this Section.
- f) *The Department may issue a provisional license to any Community-Based Residential Rehabilitation Center Model that does not substantially comply with the provisions of the Act and this Part:*
- 1) A provisional license may be issued only if the Department finds that:
 - A) *The Model has undertaken changes and corrections which upon completion will render the Model in substantial compliance with the Act and this Part; and*
 - B) *The health and safety of the participants in the Model will be protected during the period for which the provisional license is issued.* (Section 30(c) of the Act)
 - 2) *The Department shall advise the applicant or licensee of the conditions under which the provisional license is issued, including:*
 - A) *The manner in which the Model fails to comply with the provisions of the Act and this Part;*
 - B) *The changes and corrections that shall be completed;*
 - C) *The time within which the necessary changes and corrections shall be completed* (Section 30(c) of the Act); and
 - D) *The interim actions that are necessary to protect the health and safety of the participants.*
 - g) *If, after obtaining its Initial Certificate of Need, an Alternative Health Care Delivery Model that is a Community Based Residential Rehabilitation Center seeks to increase the bed capacity of that Center, it must obtain a Certificate of Need from the Health Facilities Planning Board before increasing the bed capacity.* (Section 30(b) of the Act)
 - h) *The Community-Based Residential Rehabilitation Center Model license or provisional license shall be prominently displayed in an area accessible to the public.*

Section 220.1300 Obligations and Privileges of Community-Based Residential Rehabilitation Center Model

- a) *Community-Based Residential Rehabilitation Center Models shall, within 30 days after licensure, seek certification under Titles XVIII and XIX of the Federal Social Security Act.* (Section 30(d) of the Act)
- b) *Community-Based Residential Rehabilitation Center Models shall provide*

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charitable care consistent with that provided by comparable health care providers in the geographic area. (Section 30(d) of the Act)

c) *A licensed Community-Based Residential Rehabilitation Center Model that continues to be in substantial compliance after the conclusion of the Demonstration Program shall be eligible for annual license renewals unless and until a different licensure program for that type of health care model is established by legislation.* (Section 30(c) of the Act)

Section 220.1400 Inspections and Investigations

- a) The Department shall perform licensure inspections of Community-Based Residential Rehabilitation Center Models, as deemed necessary, to ensure compliance with the Act and this Part. (Section 25(c) of the Act)
- b) All Community-Based Residential Rehabilitation Center Models to which this Part applies shall be subject to and shall be deemed to have given consent to all inspections by properly identified personnel of the Department, or by other such properly identified persons as the Department might designate. In addition, representatives of the Department shall have access to and may reproduce or photocopy any books, records, and other documents maintained by the Model or the licensee to the extent necessary to carry out the Act and this Part.
- c) *The Department shall investigate an applicant or licensee whenever it receives a verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for the denial of an application for a license, refusal to renew a license, or suspension or revocation of a license.* (Section 50 of the Act)
- d) *The Department may also investigate an applicant or licensee on its own motion or based upon complaints received by mail, telephone, or in person.* (Section 50 of the Act)

Section 220.1500 Notice of Violation and Plan of Correction

- a) Upon determination that the licensee or applicant is in violation of the Act or this Part, the Department shall issue a written Notice of Violation and request a plan of correction. The notice shall specify the violations, and shall instruct the licensee or applicant to submit a plan of correction to the Department within 10 days after receipt of the Notice.
- b) Within the ten-day period, a licensee or applicant may request additional time for submission of the plan of correction. The Department may extend the period for submission of the plan of correction for an additional 30 days, when the Department finds that corrective action by the Model to abate or eliminate the violations will require substantial capital improvement. The Department will consider the extent and complexity of necessary physical plant repairs and improvements and any impact on the health, safety, or welfare of

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the patients of the Model in determining whether to grant a requested extension.

c) Each plan of correction shall be based on an assessment by the Model of the conditions or occurrences that are the basis of the violations and an evaluation of the practices, policies, and procedures that have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the Model. Each plan of correction shall include:

- 1) A description of the specific corrective action the Model is taking, or plans to take, to abate, eliminate, or correct the violations cited in the Notice;
 - 2) A description of the steps that will be taken to avoid future occurrences of the same and similar violations; and
 - 3) A specific date by which the corrective action will be completed.
- d) Submission of a plan of correction shall not be considered an admission by the Model that the violations has occurred.
- e) The applicant or licensee may submit additional information in response to the Notice of Violation that it believes will clarify the condition or alleged violations. The Department will consider the information in reviewing the applicant's or licensee's response and the plan of correction.
- f) The Department shall review each plan of correction to ensure that it provides for the abatement, elimination, or correction of the violation. The Department shall reject a submitted plan only if it finds any of the following deficiencies:
- 1) The plan does not address the conditions or occurrences that are the basis of the violation and an evaluation of the practices, policies, and procedures that have caused or contributed to the conditions or occurrences.
 - 2) The plan is not specific enough to indicate the actual actions the Model will be taking to abate, eliminate, or correct the violation.
 - 3) The plan does not provide for measures that will abate, eliminate, or correct the violation.
 - 4) The plan does not provide steps that will avoid future occurrences of the same and similar violations.
 - 5) The plan does not provide for timely completion of the corrective action, considering the seriousness of the violation, any possible harm to the participants, and the extent and complexity of the correction action.
- g) The Department shall notify the licensee or applicant if the plan of correction is rejected, including specific reasons for the rejection of the plan. The Model shall submit a modified plan that addresses the requirements of subsection (c) of this Section within five days after receipt of notice of rejection.
- h) If a licensee or applicant fails to make a timely submission of a modified plan of correction, or such modified plan is not acceptable to the Department, a plan of correction shall be specified and imposed

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by the Department.

- i) The Department shall verify the completion of the corrective action required by the plan of correction within the specified time period during subsequent investigations, surveys, and evaluations of the Model.

Section 220.1600 Adverse Licensure Action

- a) Before denying a license application, refusing to renew a license, suspending a license, revoking a license, or assessing an administrative fine, the Department shall notify the applicant or the licensee in writing. The notice shall specify the charges or reasons for the Department's contemplated action, and shall provide the applicant or licensee an opportunity to file a request for a hearing within 10 days after receiving the notice. (Section 50 of the Act)
- 1) A failure to request a hearing within 10 days shall constitute a waiver of the applicant's or licensee's right to a hearing. (Section 50 of the Act)
- 2) The hearing shall be conducted by the Director or an individual designated in writing by the Director as an Administrative Law Judge, and shall be conducted in conformance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) and Section 65 of the Act. (Section 55 of the Act)
- b) A license may be denied, suspended, or revoked, or the renewal of a license may be denied or administrative fine assessed, for any of the following reasons:
 - 1) Violation of any provision of the Act or this Part.
 - 2) Conviction of the owner or operator of the Community-Based Residential Rehabilitation Center Model of a felony or of any other crime under the laws of any state or of the United States arising out of or in connection with the operation of a health care facility. The record of conviction or a certified copy of it shall be conclusive evidence of conviction.
 - 3) An encumbrance on a health care license issued in Illinois or any other state to the owner or operator of the Community-Based Residential Rehabilitation Center Model.
 - 4) Revocation of any facility license issued by the Department during the previous five years or surrender or expiration of the license during the pendency of action by the Department to revoke or suspend the license during the previous five years, if the prior license was issued to the individual applicant or a controlling owner or controlling combination of owners of the applicant or any affiliate of the individual applicant or controlling owner of the applicant or affiliate of the applicant was a controlling owner of the prior license. (Section 45 of the Act)
- c) An action to assess an administrative fine may be initiated in

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- d) conjunction with or in lieu of other adverse licensure action. The amount of an administrative fine shall be determined based on consideration of the following:
 - 1) The nature and severity of the violations;
 - 2) The Model's diligence in correcting the violations;
 - 3) Whether the Model had been previously cited for similar violations;
 - 4) The number of violations;
 - 5) The duration of uncorrected violations; and
 - 6) The impact or potential impact of the violations on patient health and safety.
- e) The administrative fine shall be calculated in relation to the number of days the violation existed, or continues to exist if it has not been corrected. The total amount of the fine assessed shall fall within the following parameters:
 - 1) For a violation that occurred as a single event or incident -- between \$100 and \$9,000 per violation.
 - 2) For a violation that was or is continuing beyond a single event or incident -- between \$100 and \$500 per day per violation.

Section 220.1700 Policies and Procedures

- a) The licensee shall have policies and procedures that implement and are consistent with the provisions of this Part.
- b) The licensee shall have infection control policies and procedures, which shall include at least the following:
 - 1) Compliance with the Department's Control of Communicable Diseases Code (77 Ill. Adm. Code 690);
 - 2) The use of universal precautions and isolation techniques;
 - 3) A continuing program of instruction for all personnel on the mode of spread of infections; and
 - 4) Posted handwashing techniques.
- c) The licensee shall provide for the registration and disposition of complaints without threat of discharge or other reprisal against any employee, volunteer, participant or participant's representative. The licensee shall have policies covering disaster preparedness, including a written plan for staff and children to follow in case of fire, explosion, severe weather or other hazardous circumstance of emergency.
 - 1) All personnel shall be trained in the proper use of a fire extinguisher.
 - 2) All personnel shall be trained in the evacuation plan.
- e) The licensee shall develop, with the approval of the medical director, policies and procedures to be followed during various medical emergencies. The types of medical emergencies addressed should be based on the needs of the participants being served and may include, but are not limited to, foreign body aspiration, poisoning, allergic reactions, asthma, convulsions, insulin shock, and acute respiratory

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- distress.
- f) The licensee shall develop policies and procedures concerning the transportation of non-resident participants.
 - g) The licensee shall develop policies and procedures concerning the handling of participants' funds. Such policies and procedures shall be at least as stringent as those set forth in Section 2-201 of the Nursing Home Care Act (210 ILCS 45/2-201).
 - h) The licensee shall develop policies and procedures concerning the role and level of supervision of students and interns in the operation of the Model and the care of participants.

Section 220.1800 Admission Practices

- a) The licensee shall designate the individual or group that is responsible for making admission decisions.
- b) The licensee shall establish written admission criteria that:
 - 1) Identify individuals who can be served by the programs available through the Model;
 - 2) Ensure nondiscrimination of participants based on disability, race, religion, sex, source of payment, and any other basis recognized by applicable State and federal laws;
 - 3) Ensure that participants are *medically stable and no longer require acute rehabilitative care or intense medical or nursing services.* (Section 35(4) of the Act)
- c) The licensee shall establish a preadmission screening process to ensure that the admission criteria are met and that outcome goals are addressed. The preadmission screening report shall serve as the rehabilitation plan until the comprehensive assessment is completed and a rehabilitation plan is developed for the individual.
- d) Physician orders for medications (if necessary) and information concerning any other immediate medical care needs shall be submitted to the licensee at the time of the participant's admission.

Section 220.1900 Participant Assessment

- a) The licensee shall establish policies and procedures defining the assessment process.
- b) Within two weeks after admission, each participant shall be assessed by a physician, a registered nurse, and a case manager. In addition, a speech/language pathologist, occupational therapist, or neuropsychologist shall complete an assessment of the participant's cognitive abilities. The physician or registered nurse shall determine the participant's need for evaluation by a dietitian or other specialized medical evaluations.
- c) The assessment shall:
 - 1) Identify pathological diagnoses or conditions requiring rehabilitation;
 - 2) Identify the potential benefits related to rehabilitation

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- intervention:
- 3) Include the desired outcomes and expectations of the participant;
 - 4) Include the outcomes anticipated by the persons conducting the assessments;
 - 5) Use assistive technology, as needed, in the assessment process;
 - 6) Be used to direct the development of the participant's rehabilitation plan; and
 - 7) Coordinate with the assessments completed prior to admission to the extent possible to avoid duplicative testing.
- d) Assessment outcomes shall be reported to appropriate personnel and to the participant and/or participant's representative.
 - e) Further assessments shall be completed by appropriate staff members to develop a rehabilitation plan and refine the outcome goals specific to the individual.

Section 220.2000 Individual Rehabilitation Plan

- a) Within 10 days after the completion of the assessment conducted pursuant to Section 220.1900 of this Part, the results of the assessment shall be used to revise the individualized rehabilitation plan, designed by the rehabilitation team, that establishes goals and objectives that incorporate the unique strengths, abilities, and preferences of the person served and relates to the services and environment to which the person will be discharged. *The design of individualized program plans shall be consistent with the outcome goals that are established for each resident.* (Section 35(4) of the Act)
- b) The individual rehabilitation plan shall include, at a minimum:
 - 1) The desired outcome goals for the program;
 - 2) Identification of targeted objectives to achieve the outcome goals;
 - 3) Services needed to support the targeted objectives;
 - 4) Anticipated times frames for accomplishing the goals and objectives; and
 - 5) Persons responsible for implementing the rehabilitation plan.
- c) The licensee shall define the members of the rehabilitation team who will develop and review the rehabilitation plan. The members of the rehabilitation team shall include, at a minimum:
 - 1) The participant;
 - 2) Participant representative, if he/she chooses to participate, and any other persons chosen by the participant;
 - 3) A person designated to coordinate services for the person (case manager or designee);
 - 4) A nurse; and
 - 5) Persons providing services for the participant, based on the assessment.
- d) The rehabilitation team shall meet at least every 30 days to implement and modify, as needed, the rehabilitation plan and discharge plan.

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- e) The case manager or case manager designee shall ensure that the rehabilitation plan is implemented and that the appropriate services are coordinated to ensure that the rehabilitation plan is followed.

Section 220.2100 Participant Rights

- a) The licensee shall establish a Participant's Bill of Rights, which shall include:
- 1) The right to information to facilitate decision making;
 - 2) The right to be free of harm from physical abuse, mental abuse, sexual abuse, and physical punishment;
 - 3) The right to access and/or referral to guardians, conservators, self-help groups, and/or advocacy groups, and legal assistance;
 - 4) The protection of basic human rights, including rights to adequate food, shelter, education, dignity, and respect;
 - 5) The right to request discharge from the facility;
 - 6) The right to equal and effective treatment;
 - 7) The right to confidentiality;
 - 8) The right to refuse treatment;
 - 9) The right to have input into the rehabilitation plan;
 - 10) Freedom from discrimination on the basis of race, religious practice, color, national origin, sex, age, handicap, marital status, or source of payment;
 - 11) The right to engage in unrestricted communication;
 - 12) The right to privacy (but not necessarily a single bedroom);
 - 13) The right to retain and use personal clothing and possessions;
 - 14) Unless previously arranged, the right not to be transferred or discharged, except in an emergency situation. The individual, his or her guardian (if applicable), and other responsible persons shall be notified immediately;
 - 15) The right to the services of a representative of the State agency or program charged with regulating, licensing, or monitoring the program;
 - 16) The right to seek legal assistance;
 - 17) The right to pursue productive and recreational choices;
 - 18) The right to be paid for labor provided to the Model;
 - 19) The right to regularly review the rehabilitation plan;
 - 20) The right to make recommendations for changes in Model policy that will have an impact on the participant or the participant's rehabilitation program;
 - 21) The right to choose a personal physician;
 - 22) The right to make contacts with the community and to achieve the highest level of independence, autonomy, and interaction with the community; and
 - 23) The right to determine his or her dress, hair style, or other personal choices according to individual preference.
- b) The licensee shall establish a Participants' Bill of Rights policy, which includes:

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- 1) A mechanism to communicate these policies to the persons served;
- 2) Grievance procedures; and
- 3) Procedures for documenting, investigating, and resolving allegations of infringements of rights, including reporting to the Department.

Section 220.2200 Participant Care and Treatment Services

- a) The licensee shall provide access to appropriate emergency and specialty medical services.
- b) A case manager shall be designated for each participant. A case manager may serve one or more participants. The provision of services for each participant shall be organized through the case manager or case manager designee who shall:
- 1) Assume responsibility for implementation of the rehabilitation plan;
 - 2) Assist the participant in becoming oriented to his/her program;
 - 3) Enable the program to proceed in an orderly, purposeful, and goal-oriented manner;
 - 4) Promote the program's responsiveness to the needs and preferences of the participant;
 - 5) Promote the participant's ongoing engagement in discussions of plans, goals and status;
 - 6) Participate consistently in team conferences concerning the participant;
 - 7) Maintain communication with family members, guardian (if designated), and funding source of the participant; and
 - 8) Facilitate the discharge process and arrangements for the discharge plan.
- c) *Functional outcome goals shall be established for each individual.* The licensee shall provide those services that are indicated by the rehabilitation plan and consistent with the outcome goals and the overall needs of the individual. Services shall include, but are not limited to:
- 1) Case management;
 - 2) Training and assistance with activities of daily living;
 - 3) Nursing consultation;
 - 4) Traditional therapies (physical, occupational, speech);
 - 5) Functional interventions in the residence and community (job placement, shopping, banking, recreation);
 - 6) Counseling;
 - 7) Self-management strategies;
 - 8) Productive or vocational activities; and
 - 9) Multiple opportunities for skill acquisition and practice throughout the day. (Section 35(4) of the Act)
- d) The program shall provide active and least restrictive treatment.
- 1) The program shall provide active treatment through the delivery of services that are intended to promote the personal autonomy or

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independence of all persons served. This shall be reflected in program philosophies or missions, as well as trainings, materials, practices, and staff performance appraisal systems.

- 2) The program shall deliver services in the least restrictive or intrusive manner possible and in a living situation that affords the greatest degree of autonomy possible for each person served.

A) With respect to interventions, programs shall adopt a model for determining procedural restrictiveness and shall demonstrate or justify in each situation that less restrictive procedures have been tried or considered prior to implementing any procedure that could impinge on an individual's rights.

B) Clinical documentation shall reflect that persons are treated in or are being prepared to reside in the least restrictive living arrangements possible, considering their existing strengths and needs.

- e) *Day treatment or individualized outpatient services shall be provided for persons who reside in their own home (Section 35(4) of the Act) at the request of a physician or funding agency and shall meet the following criteria:*
 - 1) Assessment need be completed only for the specific service, or services, to be provided by the Model.
 - 2) The rehabilitation team for the participant receiving outpatient services shall include the participant, the participant's representative, if desired, and those therapists providing services.
 - 3) Each service provided shall develop treatment goals for the participant.

Section 220.2300 Participant Record Requirements

The licensee shall maintain participant records that are accessible to the participant and to service providers. Confidentiality of participants' medical records shall be ensured. Records shall include, but are not limited to:

- a) Medical records;
- b) Preadmission screening results;
- c) Participant initial and ongoing assessment results;
- d) Records pertaining to participants' property; and
- e) Individualized rehabilitation plan.

Section 220.2400 Residential Services

a) The licensee shall provide 24-hour supervision in each congregate living environment. At least one staff member shall be present in each residence at all times when participants are present.

- b) The licensee shall provide an emergency response system.
- c) The licensee shall provide 24-hour access to assistance in each apartment living setting.

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- d) The licensee shall have policies and procedures in place to guide decisions regarding the necessary level of supervision each participant requires in the residence and the community.

Section 220.2500 Medication Administration

a) Except for medications allowed in subsection (f) of this Section, the only medications allowed in the residence are those for particular individual participants. The medication of each participant shall be kept and stored in the original container received from the pharmacy or as packaged by the nurse, when preparing unit dose packages from multidose containers.

- 1) Each multidose medication container shall indicate the participant's name, physician's name, prescription number, name, strength and quantity of drug, date this container was last filled, the initials of the pharmacist filling the prescription, the identity of the pharmacy, the refill date and any necessary special instructions.
- 2) Each single unit or unit dose package shall contain the proprietary and nonproprietary name of the drug and the strength of the dose. The name of the participant and the physician do not have to be on the label of the package, but they must be identified with the package in such a manner as to assure that the drug is administered to the correct person.
- 3) When the unit dose system is used for packaging oral medication, house staff may assist participants in the self-administration or in taking their medication by carrying the medication from the locked area where it is stored and handing it to the participant. If the participant is unable to receive or open the container, staff may open the container for the participant and assist him or her in consuming or applying the medication. If cognitive and/or behavioral limitations result in poor compliance, staff may open the container for the participant.

b) All oral medication packaged in multidose containers, prescribed medication given through a feeding tube, and all parenteral medication must be administered by a registered nurse or physician, unless the medication is self-administered by the participant.

- c) All participants shall be evaluated by the rehabilitation team to determine their self-medication capability. Each participant determined to have the capability to learn to administer his/her own medications shall have written objectives developed by the team based on this evaluation and stated in specific behavioral terms that permit the progress of the resident to be assessed and recorded.

d) The licensee shall provide, either directly or through arrangements with a consultant nurse, training and supervision necessary for identified participants to gain independence in self-administering their own medications as approved in writing by the participant's physician, and documented in the participant's individual plan.

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- e) To be considered "capable of self-administering their own medications," participants must, at a minimum, be able to identify their medication by size, shape, or color and know when they should take it, and the amount to be taken each time.
- f) A licensee may stock a small supply of medications regularly available without prescription at a commercial pharmacy, such as: noncontrolled cough syrups, laxatives, and analgesics. These shall be given to a participant only upon the order of a physician.
- g) The licensee shall have in each residence a first aid kit that contains items appropriate to treat minor cuts, burns, and abrasions.
- h) All medications shall be properly stored in a secured location not accessible to unauthorized individuals.

Section 220.2600 Discharge and Follow-up Practices

- a) The licensee shall prepare written discharge plans prior to discharge of each participant.
- b) The discharge plan shall include:
- 1) Participant's diagnosis of disability;
 - 2) Outcome goals established for the rehabilitation plan;
 - 3) Summary of the services provided;
 - 4) Outcome goals achieved and not achieved;
 - 5) Reason for discharge; and
 - 6) Recommendations and referrals to assist the participant after discharge.
- c) The licensee shall conduct appropriate follow-up on all persons served after discharge.
- d) The follow-up activities shall be summarized in a report that directly relates the participant's current status to his/her status at discharge.

Section 220.2700 Personnel

- a) The licensee shall provide adequate, properly trained and supervised staff to meet each participant's individual rehabilitation plan. Services shall be provided by a coordinated rehabilitation team.
- b) The licensee shall define, through job descriptions, minimum education and experience requirements for all staff, consultants, and contract staff providing services to the Community-Based Residential Rehabilitation Center Model.
- c) The licensee shall provide an initial orientation and routine pertinent training to all staff. This training may include demonstration, one-on-one training, small group exercises, or lectures. All training shall be documented with:
- 1) date,
 - 2) starting and ending time,
 - 3) instructors,
 - 4) short description of content,

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- 5) staff member's written signature.
- d) The licensee shall develop and maintain written personnel policies, which are followed in the operation of the Model.
- e) Each employee shall have an initial health evaluation, which shall be used to ensure that employees are not placed in positions that would pose undue risk of infection to themselves, other employees, participants or visitors.
- 1) The initial health evaluation shall be completed not more than 30 days prior to nor 30 days after the employee's first day of employment.
 - 2) The initial health evaluation shall include a health inventory from the employee, including an evaluation of the employee's immunization status.
 - 3) The initial health evaluation shall include tuberculin testing in accordance with the Department's Control of Tuberculosis Code (77 Ill. Adm. Code 696).
- f) The licensee shall designate a program coordinator/director.
- g) A registered nurse shall be responsible for managing the day-to-day health needs of every residential participant. Residential staff, as well as clinical team members, shall support health-related programs, as requested by the registered nurse under the direction of the treating physician.
- h) The Model shall have a Supervisory Nurse, who shall be a registered nurse and who shall:
- 1) Promote the competency, numbers, and staff levels of nursing personnel appropriate to meet the rehabilitation and complex needs of the persons served;
 - 2) Identify and implement a nursing program and structure such that the persons served will receive coordinated services;
 - 3) Provide ongoing monitoring of compliance with nursing standards in practice and documentation; and
 - 4) Provide orientation and ongoing training in rehabilitation nursing skills.
- i) The Model shall have a Medical Director or Medical Consultant who coordinates and/or advises personnel on medical matters. The Medical Director or Consultant shall:
- 1) Have training and/or experience in dealing with the needs of persons with acquired brain injuries;
 - 2) Be participating in an active clinical practice; and
 - 3) Provide direction/consultation on a regular basis as dictated by the needs of the persons served.
- j) The Model shall employ case managers to organize the provision of services to participants. Minimum qualifications shall include:
- 1) A bachelor's degree in a social service field; and
 - 2) Three years of direct service to persons with disabilities, in either a medical or rehabilitation setting.
- k) The Model shall employ life skills therapists to provide training, assistance and supervision to participants in the areas of living,

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- 1991, ch. 38, pars. 16-1 and 16A-3; Ill. Rev. Stat. 1961, ch. 38, pars. 62, 207 to 218, 240 to 244, 246, 253, 254.1, 258, 262, 262a, 273, 290, 291, 301a, 354, 387 to 388b, 389, 393 to 400, 404a to 404c, 438, 492 to 496);
- 15) Financial exploitation of an elderly or disabled person (Section 16-1.3 of the Criminal Code of 1961 [720 ILCS 5/16-1.3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 16-1.3));
- 16) Forgery (Section 17-3 of the Criminal Code of 1961 [720 ILCS 5/17-3] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 17-3; Ill. Rev. Stat. 1961, ch. 38, pars. 151 and 277 to 286));
- 17) Robbery, armed robbery (Sections 18-1 and 18-2 of the Criminal Code of 1961 [720 ILCS 5/18-1 and 18-2] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 18-1 and 18-2));
- 18) Vehicular hijacking, aggravated vehicular hijacking, aggravated robbery (Sections 18-3, 18-4, and 18-5 of the Criminal Code of 1961 [720 ILCS 5/18-3, 18-4, and 18-5]);
- 19) Burglary, residential burglary (Sections 19-1 and 19-3 of the Criminal Code of 1961 [720 ILCS 5/19-1 and 19-3] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 19-1 and 19-3; Ill. Rev. Stat. 1961, ch. 38, pars. 84 to 86, 88, and 501));
- 20) Criminal trespass to a residence (Section 19-4 of the Criminal Code of 1961 [720 ILCS 5/19-4] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 19-4));
- 21) Arson (Sections 20-1 and 20-1.1 of the Criminal Code of 1961 [720 ILCS 5/20-1 and 20-1.1] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 20-1 and 20-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 48 to 53 and 236 to 238));
- 22) Unlawful use of weapons, aggravated discharge of a firearm, or reckless discharge of a firearm (Sections 24-1, 24-1.2, and 24-1.5 of the Criminal Code of 1961 [720 ILCS 5/24-1, 24-1.2, and 24-1.5] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 24-1 and 24-1.2; Ill. Rev. Stat. 1961, ch. 38, pars. 152, 152a, 155a to 158b, 414a to 414c, 414e, and 414g));
- 23) Armed violence - elements of the offense (Section 33A-2 of the Criminal Code of 1961 [720 ILCS 5/33A-2] (formerly Ill. Rev. Stat. 1991, ch. 38, par. 33A-2));
- 24) Those provided in Section 4 of the Wrongs to Children Act (Section 4 of the Wrongs to Children Act [720 ILCS 150/4] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 235A));
- 25) Cruelty to children (Section 53 of the Criminal Jurisprudence Act [720 ILCS 115/53] (formerly Ill. Rev. Stat. 1991, ch. 23, par. 236));
- 26) Manufacture, delivery or trafficking of cannabis, delivery of cannabis on school grounds, or delivery to person under 18; violation by person under 18 (Sections 5, 5.1, 5.2, 7, and 9 of the Cannabis Control Act [720 ILCS 550/5, 5.1, 5.2, 7, and 9] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 705, 705.1, 705.2, 707, and 709)); or

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- 27) Manufacture, delivery or trafficking of controlled substances (Sections 401, 401.1, 404, 405, 405.1, 407 and 407.1 of the Illinois Controlled Substance Act [720 ILCS 570/401, 401.1, 404, 405, 405.1, 407, 407.1] (formerly Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 1401, 1401.1, 1404, 1405, 1405.1, 1407, and 1407.1)).
- b) The Model shall not knowingly employ or retain any individual in a position with duties involving direct care for residents if that person has been convicted of committing or attempting to commit one or more of the offenses listed in subsection (a) of this Section unless the applicant, employee or employer obtains a waiver pursuant to subsections (m) and (n) of this Section. (Section 25(a) of the Health Care Worker Background Check Act)
- c) The Model shall not hire, employ, or retain any individual in a position with duties involving direct care of participants if the Model becomes aware that the individual has been convicted in another state of committing or attempting to commit an offense that has the same or similar elements as an offense listed in subsection (a) of this Section, as verified by court records, records from a state agency, or an FBI criminal history record check. This shall not be construed to mean that the Model has an obligation to conduct a criminal history records check in other states in which an employee has resided. (Section 25(b) of the Health Care Worker Background Check Act)
- d) For the purpose of this Section:
- 1) "Applicant" means an individual seeking employment with a Model who has received a bona fide conditional offer of employment.
 - 2) "Conditional offer of employment" means a bona fide offer of employment by a Model to an applicant, which is contingent upon the receipt of a report from the Department of State Police indicating that the applicant does not have a record of conviction of any of the criminal offenses listed in subsection (a) of this Section.
 - 3) "Direct care" means the provision of nursing care or assistance with feeding, dressing, movement, bathing, toileting, or other personal needs.
 - 4) "Initiate" means the obtaining of the authorization for a record check from a student, applicant, or employee. (Section 15 of the Health Care Worker Background Check Act)
- e) For purposes of the Health Care Worker Background Check Act, the Model shall establish a policy defining which employees provide direct care. In making this determination the Model shall consider the following:
- 1) The employee's assigned job responsibilities as set forth in the employee's job description;
 - 2) Whether the employee is required to or has the opportunity to be alone with participants, with the exception of infrequent or unusual occasions;
 - 3) Whether more than 50 percent of the employee's responsibilities include physical contact with participants, for example to

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provide therapy or to draw blood.

- f) When the Model makes a conditional offer of employment to an applicant who is not exempt under subsection (s) of this Section, for a position with duties that involve direct care for residents, the employer shall inquire of the Nurse Aide Registry as to the status of the applicant's Uniform Conviction Information Act (UCIA) criminal history record check. If a UCIA criminal history record check has not been conducted within the last 12 months, the Model must initiate or have initiated on its behalf a UCIA criminal history record check for that applicant. (Section 30(c) of the Health Care Worker Background Check Act)
- g) The Model shall transmit all necessary information and fees to the Illinois State Police within 10 working days after receipt of the authorization. (Section 15 of the Health Care Worker Background Check Act)
- h) The Model may accept an authentic UCIA criminal history record check that has been conducted within the last 12 months rather than initiating a check as required in subsection (e) of this Section.
- i) The request for a UCIA criminal history record check shall be made as prescribed by the Department of State Police. The applicant or employee must be notified of the following whenever a non-fingerprint-based UCIA criminal history record check is made:
 - 1) That the Model shall request or have requested on its behalf a non-fingerprint-based UCIA criminal history record check pursuant to the Health Care Worker Background Check Act.
 - 2) That the applicant or employee has a right to obtain a copy of the criminal records report from the health care employer, challenge the accuracy and completeness of the report, and request a waiver in accordance with subsection (m) of this Section.
 - 3) That the applicant, if hired conditionally, may be terminated if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsection (a) of this Section unless the applicant's identity is validated and it is determined that the applicant or employee does not have a disqualifying criminal history record based on a fingerprint-based records check pursuant to subsection (k) of this Section.
 - 4) That the applicant, if not hired conditionally, shall not be hired if the non-fingerprint-based criminal records report indicates that the applicant has a record of conviction of any of the criminal offenses enumerated in subsection (a) of this Section unless the applicant's record is cleared based on a fingerprint-based records check pursuant to subsection (k) of this Section.
 - 5) That the employee may be terminated if the criminal records report indicates that the employee has a record of conviction of any of the criminal offenses enumerated in subsection (a) of this Section unless the employee's record is cleared based on a

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fingerprint-based records check pursuant to subsection (k) of this Section. (Section 30(e) and (f) of the Health Care Worker Background Check Act)

- j) A Model may conditionally employ an applicant to provide direct care for up to three months pending the results of a UCIA criminal history record check. (Section 30(g) of the Health Care Worker Background Check Act)
- k) An applicant or employee whose non-fingerprint-based UCIA criminal history record check indicates a conviction for committing or attempting to commit one or more of the offenses listed in subsection (a) of this Section may request that the Model or its designee commence a fingerprint-based UCIA criminal records check by submitting any necessary fees and information in a form and manner prescribed by the Department of State Police. (Section 35 of the Health Care Worker Background Check Act)
- l) A Model having actual knowledge from a source other than a non-fingerprint check that an employee has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of the Act must initiate a fingerprint-based background check within 10 working days of acquiring that knowledge. The Model may continue to employ that individual in a direct care position, may reassign that individual to a non-direct care position, or may suspend the individual until the results of the fingerprint-based background check are received. (Section 30(d) of the Health Care Worker Background Check Act)
- m) An applicant, employee or employer may request a waiver to subsection (a) or (b) of this Section by submitting the following to the Department within five working days after the receipt of the criminal records report:
 - 1) A completed fingerprint-based UCIA criminal records check form (Section 40(a) of the Health Care Worker Background Check Act) that the Department will forward to the Department of State Police; and
 - 2) A certified check, money order or facility check made payable to the Department of State Police for the amount of money necessary to initiate a fingerprint-based UCIA criminal records check.
- n) The Department may accept the results of the fingerprint-based UCIA criminal records check instead of the items required by subsection (m) above. (Section 40(a-5) of the Health Care Worker Background Check Act)
- o) The Department may grant a waiver based on mitigating circumstances, which may include:
 - 1) the age of the individual at which the crime was committed;
 - 2) the circumstances surrounding the crime;
 - 3) the length of time since the conviction;
 - 4) the applicant's or employee's criminal history since the conviction;
 - 5) the applicant's or employee's work history;

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- 6) The applicant's or employee's current employment references;
- 7) The applicant's or employee's character references;
- 8) Nurse Aide Registry records; and
- 9) Other evidence demonstrating the ability of the applicant or employee to perform the employment responsibilities competently and evidence that the applicant or employee does not pose a threat to the health or safety of residents. (Section 40(b) of the Health Care Worker Background Check Act)
- p) An individual shall not be employed in a direct care position from the time that the employer receives the results of a non-fingerprint check containing disqualifying conditions until the time that the individual receives a waiver from the Department. If the individual challenges the results of the non-fingerprint check, the Model may continue to employ the individual in a direct care position if the individual presents convincing evidence to the Model that the non-fingerprint check is invalid. If the individual challenges the results of the non-fingerprint check, his or her identity shall be validated by a fingerprint-based records check in accordance with subsection (k) of this Section. (Section 40(d) of the Health Care Worker Background Check Act)
- q) A Model is not obligated to employ or offer permanent employment to an applicant, or to retain an employee who is granted a waiver. (Section 40(f) of the Health Care Worker Background Check Act)
- r) A Model may retain the individual in a direct care position if the individual presents clear and convincing evidence to the Model that the non-fingerprint-based criminal records report is invalid and if there is a good faith belief on the part of the employer that the individual did not commit an offense listed in subsection (a) of this Section, pending positive verification through a fingerprint-based criminal records check. Such evidence may include, but is not limited to:
 - 1) Certified court records;
 - 2) Written verification from the State's Attorney's office that the individual was not convicted of a disqualifying crime;
 - 3) Written verification of employment during the time period during which the crime was committed or during the incarceration period stated in the report;
 - 4) A signed affidavit from the individual concerning the validity of the report; or
 - 5) Documentation from a local law enforcement agency that the individual was not convicted of a disqualifying crime.
- s) This Section shall not apply to:
 - 1) An individual who is licensed by the Department of Professional Regulation or the Department of Public Health under another law of this State;
 - 2) An individual employed or retained by a health care employer for whom a criminal background check is required by another law of this State; or

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- 3) A student in a licensed health care field including, but not limited to, a student nurse, a physical therapy student, or a respiratory care student unless he or she is employed by a health care employer in a position with duties involving direct care for residents. (Section 20 of the Health Care Worker Background Check Act)
- t) An employer need not initiate an additional criminal background check for an employee if the employer initiated a criminal background check for the employee after January 1, 1996 and prior to January 1, 1998. This subsection applies only to persons employed prior to January 1, 1998. Any person newly employed on or after January 1, 1998 must receive a background check as required by Section 30 of the Health Care Worker Background Check Act. (Section 25.1 of the Health Care Worker Background Check Act)
- u) The facility must send a copy of the results of the UCIA criminal history record check to the State Nurse Aide Registry for those individuals who are on the Registry. (Section 30(b) of the Health Care Worker Background Check Act) The facility shall include the individual's Social Security number on the criminal history record check results.
- v) The Model shall retain on file for a period of 5 years records of criminal records requests for all employees. The Model shall retain the results of the UCIA criminal history records check and waiver, if appropriate, for the duration of the individual's employment. The files shall be subject to inspection by the Department. A fine of \$500 shall be imposed for failure to maintain these records. (Section 50 of the Health Care Worker Background Check Act)
- w) The Model shall maintain a copy of the employee's criminal history record check results and waiver, if applicable, in the personnel file or other secure location accessible to the Department.

Section 270-2900 Food Service

- a) At least three meals a day shall be provided and prepared by either residential staff or participants assisted by residential staff as needed.
- b) Snacks shall be offered between meals and at bedtime.
- c) Menus shall be developed according to the participants' preferences and shall be reviewed by a dietician.
- d) Menus shall be planned at least one week in advance. All menus, as actually served, shall be kept on file for no fewer than 30 days.
- e) If a participant's rehabilitation plan includes training in meal planning and preparation, this Part shall not preclude that participant from planning and preparing his/her own meals in the residence.
- f) Supplies of staple foods for a minimum of one week and of perishable foods for a minimum of two days shall be maintained on the premises of each residence.

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- g) All food served shall be prepared in accordance with the Department's Food Service Sanitation Code (77 Ill. Adm. Code 750).

Section 220.3000 Physical Plant

- a) The facility shall be kept in a clean, safe, and orderly condition and in good repair.
- 1) Electrical, mechanical, heating/air conditioning, fire protection and sewage disposal systems shall be maintained.
 - 2) Furnishings and furniture shall be maintained in a clean, safe condition.
 - 3) Attics, basements, stairways, and similar areas shall be kept free of accumulation of refuse, newspapers, boxes, and other items.
 - 4) Bathrooms, shower stalls and lavatories shall not be used for janitorial, laundry or storage purposes.
 - 5) All cleaning compounds, insecticides and other potentially hazardous compounds or agents shall be stored in locked cabinets or rooms.
- b) The licensee shall have an effective means of supplying clean linen.
- 1) Clean linen shall be protected from contamination during handling, transport and storage.
 - 2) Soiled linen shall be handled, transported and stored in a manner that protects individuals and the environment from contamination. Soiled diapers shall be placed in special diaper receptacles immediately after removal from the participant.
- c) The water supply shall comply with all applicable State codes and local ordinances. Each facility shall be served by:
- 1) Water from a municipal water system; or
 - 2) A water supply that complies with the Department's Drinking Water Systems Code (77 Ill. Adm. Code 900); or
 - 3) A water supply that complies with the Department's Public Area Sanitary Practice Code (77 Ill. Adm. Code 895).
- d) All sewage and liquid wastes shall be discharged into a public sewage disposal system or shall be collected, treated, and disposed of in a private sewage disposal system that is designed, constructed, maintained and operated in accordance with the Department's Private Sewage Disposal Code (77 Ill. Adm. Code 905).
- e) Each residence shall meet the requirements of the Illinois Accessibility Code (71 Ill. Adm. Code 400).
- f) Each residence shall meet the requirements of the local fire authority or the Illinois State Fire Marshal.

Section 220.3100 Quality Assessment and Improvement

- a) The licensee shall develop and implement a quality assessment and improvement program designed to meet at least the following goals:
- 1) Ongoing monitoring and evaluation of the quality of services

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provided by the program, including but not limited to:

- A) Accomplishment of outcome goals;
 - B) Accomplishment of program goals;
 - C) Participant satisfaction; and
 - D) Quality of life.
- 2) Routine review of quality indicators to ensure identification of problem areas.
- 3) Identification and implementation of corrective action to address problem areas.
- b) The licensee shall have a written quality assessment plan, which shall include but is not limited to:
- 1) A statement of its mission and philosophy;
 - 2) A statement of its goals;
 - 3) Measurable objectives; and
 - 4) Identification of the persons responsible for administering the program.
- c) The Department and the Board shall have access to any materials or documents generated pursuant to the facility's quality assessment and improvement or that pertain to utilization and satisfaction, and financial viability of the facility. Such information shall be used by the Department and the Board to evaluate and assess the facility in relation to the requirements of the Act and shall be confidential.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Conditions of Employment
- 2) Code Citation: 80 Ill. Adm. Code 303
- 3) Section Numbers: Adopted Action:
303.310 Amend
- 4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415].
- 5) Effective Date of Amendments: November 4, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: August 6, 1999, 23 Ill. Reg. 8737
- 10) Has JCAR issued a Statement of Objections to the amendments? No
- 11) Differences between proposal and final version: At the end of the first sentence in Section 303.310(b), "or may be directed by the Governor's Office" was added.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.
- 13) Will these amendments replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This amendment is designed to ensure that the State's personnel policies conform to applicable federal requirements.
- 16) Information and questions regarding this adopted amendment shall be directed to: Stephen W. Seiple
DCMS
720 Stratton Office Building
Springfield, IL 62706 (217)782-9669

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

The full text of the adopted amendments begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 303

CONDITIONS OF EMPLOYMENT

SUBPART A: GRIEVANCE PROCEDURE

Section

303.10 Definition of a Grievance
303.20 Procedure
303.30 Grievance Committee
303.45 Representation

SUBPART B: LEAVE OF ABSENCE

Section

303.90 Sick Leave
303.90 Accumulation of Sick Leave
303.100 Payment in Lieu of Sick Leave
303.102 Reinstatement of Sick Leave
303.105 Advancement of Sick Leave
303.110 Sick Leave Bank
303.112 Veterans Hospital Leave
303.115 Leave for Personal Business
303.125 Maternity/Paternity and Adoption Leave
303.130 On-The-Job Injury -- Industrial Disease
303.135 Leave of Absence Without Pay
303.140 Leave to Attend Union Conventions
303.142 Disability Leave
303.145 Family Responsibility Leave
303.148 Employee Rights After Leave
303.150 Failure to Return
303.155 Leave to Take Exempt Position
303.160 Military and Peace Corps Leave
303.170 Military Reserve Training and Emergency Call-Up
303.171 Leave for Military Physical Examinations
303.175 Disaster Service Leave With Pay
303.180 Attendance in Court
303.180 Authorized Holidays
303.190 Holiday Observance
303.200 Payment for Holidays
303.215 Holiday During Vacation
303.220 Eligibility for Holiday Pay
303.225 Vacation Eligibility
303.250 Proxated Vacation for Part-Time Employees

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303.270 Vacation Schedule and Loss of Earned Vacation
303.290 Payment in Lieu of Vacation
303.295 Vacation Benefits on Death of Employee

SUBPART C: WORK HOURS AND SCHEDULES

Section
303.300 Work Schedules
303.310 Emergency Shut-Down
303.320 Overtime
303.330 Overtime Payable Upon Death
303.340 Attendance Records
303.340 Notification of Absence
303.350 Review of Attendance Records
303.355

SUBPART D: UNDATED OR INCOMPLETE FORMS

Section
303.360 Undated Forms
303.370 Incomplete Forms

SUBPART E: EMPLOYEE SEPARATIONS

Section
303.380 Reason for Separation
303.385 Repayment of Benefit Time

SUBPART F: TUITION REIMBURSEMENT

Section
303.390 Tuition Reimbursement

AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415].

SOURCE: Filed May 29, 1975; amended at 3 Ill. Reg. 22, P. 78, effective June 1, 1979; amended at 3 Ill. Reg. 26, P. 199, effective July 1, 1979; emergency amendment at 3 Ill. Reg. 48, P. 186, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, P. 70, effective March 1, 1980; amended at 4 Ill. Reg. 15, P. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, P. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; codified at 7 Ill. Reg. 13209; emergency amendment at 8 Ill. Reg. 329, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7788, effective May 23, 1984; amended at 14 Ill. Reg. 3433, effective February 27, 1990; emergency amendment at 15 Ill. Reg. 5076, effective March 20, 1991, for a maximum of 150 days; emergency expired August 17, 1991; amended at 15 Ill. Reg. 5214, effective April 2, 1991; amended at 15 Ill. Reg. 14067, effective September 12, 1991; amended at 16 Ill. Reg. 8368, effective May 21, 1992; amended at 17 Ill. Reg. 5587, effective March 29, 1993; amended at 19

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Ill. Reg. 8130, effective June 7, 1995; amended at 19 Ill. Reg. 11775, effective August 7, 1995; emergency amendment at 21 Ill. Reg. 11291, effective July 22, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15454, effective November 24, 1997; amended at 23 Ill. Reg. 13815, effective November 4, 1999.

SUBPART C: WORK HOURS AND SCHEDULES

Section 303.310 Emergency Shut-Down

- a) An agency may request an emergency shut-down of a facility when there occurs a disruption of work at the work site caused by a condition beyond the control of the agency, such as equipment failure, fire, flood, snow, tornado or other natural disaster, or interruption of essential services such as water or electricity.
- b) An emergency shut-down may not exceed five consecutive work days, and requires prior approval of the Director or may be directed by the Governor's Office. It is the responsibility of the requesting agency to notify affected employees of this action. The agency shall attempt to reassign affected employees to alternative work locations during the period the facility is shut down. For employees the agency is unable to reassign, time in non-work status as a result of the emergency shut down is with pay. ~~Time in non-work status as a result of the emergency shut-down is without pay; however, employees may be allowed to use accumulated leave time, except sick leave.~~ Those employees on approved sick leave or vacation at time of shut-down shall be reported in accordance with the prior approved absence. As approved by the Director, designated employees may remain in-work status during the shut-down where the critical nature of their work assignment requires such continuation.

(Source: Amended at 23 Ill. Reg. 13815, effective MAY - 4 1999)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Certification of Alternative Retail Electric Suppliers
- 2) Code Citation: 83 Ill. Adm. Code 451
- 3)

Section Numbers:	Adopted Action:
451.200	New Section
451.210	New Section
451.220	New Section
451.230	New Section
451.240	New Section
451.250	New Section
451.260	New Section
451.270	New Section
451.300	New Section
451.310	New Section
451.320	New Section
451.330	New Section
451.340	New Section
451.350	New Section
451.360	New Section
451.370	New Section
451.400	New Section
451.410	New Section
451.420	New Section
451.430	New Section
451.440	New Section
451.450	New Section
- 4) Statutory Authority: Implementing and authorized by Section 16-115 of the Public Utilities Act [220 ILCS 5/16-115].
- 5) Effective Date of Amendments: December 1, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 29, 1999, at 23 Ill. Reg. 1180
- 10) Has JCRC issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: In the Table of Contents,

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Delete material designated as Subpart A.

In the Table of Contents, the heading of Subpart E has been changed to "PROCEDURES FOR APPLICANTS SEEKING CERTIFICATION TO SERVE ONLY THEMSELVES OR AFFILIATED CUSTOMERS". This change is also made in the text of the amendments.

In the text of the amendments, delete Sections 451.10 through 451.40 inclusive.

In Section 451.220(a), add to the first sentence: "\$30,000 if the applicant seeks to serve only nonresidential retail customers with maximum electrical demands of one megawatt or more or" and "if the applicant seeks to serve nonresidential retail customers with annual electrical consumption greater than 15,000 kWh".

Section 451.220: delete original subsection (b) and redesignate remaining subsections.

Section 451.220(c)(6)(D): add "concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers" and delete "through which the applicant will purchase goods or services to be utilized in performing its function as an ARES".

Section 451.220(c)(6)(E): add "concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers".

Section 451.220(c)(6)(G): replace "The applicants shall also provide all of the following documents below if they are available" with "if available".

Section 451.220(d): after "applicant" add ", such as an aggregator or power marketer,".

Section 451.220(d)(2)(D): add "concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers" and delete "through which the applicant will purchase goods or services to be utilized in performing its function as an ARES".

Section 451.220(d)(2)(E): add "concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers".

Section 451.220(d)(2)(G): replace "The applicants shall also provide all of the following documents below if they are available" with "if available".

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Section 451.240: add "at least" before "one person".

Section 451.320: delete original subsection (b) and redesignate remaining subsections.

Section 451.320(c)(6)(D): add "concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers" and delete "through which the applicant will purchase goods or services to be utilized in performing its function as an ARES".

Section 451.320(c)(6)(E): add "concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers".

Section 451.320(c)(6)(G): replace "The applicants shall also provide all of the following documents below if they are available" with "if available".

Section 451.320(d): after "applicant" add ", such as an aggregator or power marketer,". Change "Commission may" to "Commission shall".

Section 451.320(d)(6)(D): add "concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers" and delete "through which the applicant will purchase goods or services to be utilized in performing its function as an ARES".

Section 451.320(d)(6)(E): add "concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers".

Section 451.320(d)(6)(G): replace "The applicants shall also provide all of the following documents below if they are available" with "if available".

Section 451.400: delete original Section and replace with the following:

This Subpart shall apply to a retail customer that seeks certification as an ARES only to provide electric power and energy to the applicant itself, and to retail customers, at separate locations, if the customers are both owned by, or are subsidiaries of, other corporate affiliates of, the applicant and are eligible for delivery services. This includes, but is not limited to, applicants seeking certification pursuant to Section 16-115(e) of the Act.

Section 451.410(c)(2): add "if any".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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13) Will these amendments replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: The requirements for the certification of alternative retail electric suppliers ("ARES") are found in Section 16-115 of the Public Utilities Act ("Act"). Section 16-115(f) states that "[t]he Commission shall have the authority to promulgate rules and regulations to carry out the provisions of this Section." The Commission has previously adopted rules to provide for the expedited treatment of the applications of those ARES seeking to serve only nonresidential retail customers with maximum electrical demands of one megawatt or more. The amendments adopted at this time are for the treatment of applications of those ARES that either do not qualify for expedited treatment or choose not to avail themselves of expedited procedures should they qualify. The amendments cover the financial, technical, and managerial criteria for certification.

16) Information and questions regarding these adopted amendments shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-3922

The full text of the adopted amendments begins on the next page:

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER C: ELECTRIC UTILITIES

PART 451

CERTIFICATION OF ALTERNATIVE RETAIL ELECTRIC SUPPLIERS

SUBPART A: GENERAL PROVISIONS

Section

451.10 Definitions

451.20 Requirements for All Applicants under Section 16-115(d) of the Act
451.30 Required Filings and Procedures

451.40 Customer Records and Information

SUBPART B: EXPEDITED PROCEDURES FOR APPLICANTS WHO SEEK TO SERVE ONLY NONRESIDENTIAL CUSTOMERS WITH MAXIMUM ELECTRICAL DEMANDS OF ONE MEGAWATT OR MORE

Section

451.100 Applicability of Subpart B

451.110 Financial Qualifications

451.120 Technical Qualifications

451.130 Managerial Qualifications

451.140 Qualifications of Agents and Contractors

451.150 Commission Orders in Expedited Proceedings

451.160 Confidential Documentation

SUBPART C: PROCEDURES FOR APPLICANTS SEEKING TO SERVE NONRESIDENTIAL RETAIL CUSTOMERS WITH ANNUAL ELECTRICAL CONSUMPTION GREATER THAN 15,000 KWH

Section

451.200 Applicability of Subpart C

451.210 General Qualifications under Subpart C

451.220 Financial Qualifications under Subpart C

451.230 Technical Qualifications under Subpart C

451.240 Managerial Qualifications under Subpart C

451.250 Qualifications of Agents and Contractors under Subpart C

451.260 Commission Order in Proceedings under Subpart C

451.270 Confidential Documentation under Subpart C

SUBPART D: PROCEDURES FOR APPLICANTS SEEKING TO SERVE ALL RETAIL CUSTOMERS INCLUDING SMALL COMMERCIAL RETAIL CUSTOMERS BUT EXCLUDING RESIDENTIAL CUSTOMERS

Section

451.300 Applicability of Subpart D

451.310 General Provisions of Subpart D

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Financial Qualifications under Subpart D
 451.320 Technical Qualifications under Subpart D
 451.330 Managerial Qualifications under Subpart D
 451.340 Qualifications of Agents and Contractors under Subpart E
 451.350 Commission Order in Proceedings under Subpart D
 451.360 Confidential Documentation under Subpart D
 451.370

**SUBPART E: PROCEDURES FOR APPLICANTS SEEKING CERTIFICATION
 TO SERVE ONLY THEMSELVES OR AFFILIATED CUSTOMERS**

Section
 451.400 Applicability of Subpart E
 451.410 Required Filings and Procedures under Subpart E
 451.420 Technical Qualifications under Subpart E
 451.430 Qualifications of Agents and Contractors under Subpart E
 451.440 Commission Order in Proceedings under Subpart E
 451.450 Confidential Documentation under Subpart E

**SUBPART F: FINANCIAL QUALIFICATIONS FOR THE PROVISION OF SINGLE-BILLING
 SERVICE**

Section
 451.500 Applicability of Subpart F
 451.510 Financial Qualifications of Subpart F

AUTHORITY: Implementing and authorized by Section 16-115 of the Public Utilities Act (220 ILCS 5/16-115).

SOURCE: Adopted at 23 Ill. Reg. 5528, effective May 1, 1999; amended at 23 Ill. Reg. 13820, effective 06-1-1999.

**SUBPART G: PROCEDURES FOR APPLICANTS SEEKING TO SERVE
 NONRESIDENTIAL RETAIL CUSTOMERS WITH ANNUAL ELECTRICAL
 CONSUMPTION GREATER THAN 15,000 kWh**

Section 451.200 Applicability of Subpart C

This Subpart shall apply to the certification of all alternative retail electric suppliers that seek to serve nonresidential retail customers with annual electrical consumption greater than 15,000 kWh. The requirements in this Subpart are in addition to the requirements of Subpart A. Sections 451.220 through 451.240 do not apply to electric cooperatives or municipal systems making an election under Section 17-300 of the Act (220 ILCS 5/17-300) to become an alternative retail electric supplier.

(Source: Added at 23 Ill. Reg. 13820, effective 06-1-1999)

Section 451.210 General Qualifications under Subpart C

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Applicant shall certify compliance with all terms and conditions required by Section 16-115A(c) of the Act (220 ILCS 5/16-115A(c)).

(Source: Added at 23 Ill. Reg. 13820, effective 06-1-1999)

Section 451.220 Financial Qualifications under Subpart C

- a) The applicant shall execute and maintain a bond issued by a surety company authorized to transact business in the State of Illinois in favor of the People of the State of Illinois in the amount of \$30,000 if the applicant seeks to serve only nonresidential retail customers with maximum electrical demands of one megawatt or more or \$150,000 if the applicant seeks to serve nonresidential retail customers with annual electrical consumption greater than 15,000 kWh. The bond shall be conditioned upon the full and faithful performance of all duties and obligations of the applicant as an ARES. The cost of the bond shall be paid by the applicant. The applicant shall provide a copy of this bond as part of its application for certification.
- b) An applicant shall be deemed to possess sufficient financial resources to be certified as an ARES able to serve only nonresidential retail customers with annual electrical consumption in excess of 15,000 kilowatt hours if it meets any of the following criteria:

- 1) The applicant maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term bond ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide with its application a copy of the ratings reports that present these ratings.

- 2) The applicant has a borrowing agreement with an affiliate that has at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term bond ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the following:

- A) The ratings reports that present the ratings of the affiliate; and
- B) The borrowing agreement.

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3) The obligations of the applicant have been unconditionally guaranteed by an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term bond ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the following:

- A) The ratings reports that present the ratings of the affiliate; and
 - B) The guarantee.
- 4) The applicant has a line of credit or revolving credit agreement from a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, A- or higher from Duff & Phelps or its successor, or A- or higher from Fitch IBCA or its successor in an amount equal to at least 7.5% of the amount of revenue for the last 12-month period shown on the applicant's last financial statements that have received an accountant's report, as defined in 17 CFR 210.1-02, 210.2-01 and 210.2-02 as of April 1, 1998, that certifies those financial statements to be free of material misstatement. The applicant shall provide a copy of the following:

- A) The line of credit or revolving credit agreement;
- B) The Standard & Poor's, Moody's Investment Service, Duff & Phelps or Fitch IBCA ratings report that presents the debt security rating of the financial institution extending the credit;
- C) Its certified financial statements, as defined in 17 CFR 210.1-02 and 210.3-01 to 210.3-05 as of April 1, 1998; and
- D) The accountant's report, as defined in 17 CFR 210.1-02 and 210.2-02 as of April 1, 1998.

c) An applicant that will engage in the sale or resale of electric energy to Illinois retail customers or the purchase or sale of derivative securities in electric energy or otherwise engage in any activity that could result in the applicant holding an ownership interest in or taking title to electric energy for the purpose of sale or resale to Illinois retail customers that does not meet any of the criteria set forth in subsection (b) of this Section may demonstrate it has sufficient financial resources for the services for which it seeks a certificate of service authority if it has a line of credit or revolving credit agreement from a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its

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successor, A- or higher from Duff & Phelps or its successor, or A- or higher from Fitch IBCA or its successor. If the amount of the line of credit or revolving credit agreement is of insufficient size or if the financial documents do not otherwise establish that the applicant possesses adequate financial resources to provide the service for which it seeks a certificate of service authority, the Commission shall deny granting that certificate of service authority. In its application, the applicant shall provide the following:

- 1) An explanation of why it does not meet any of the criteria set forth in subsection (b);
- 2) The amount of its line of credit or revolving credit agreement;
- 3) An explanation of why the amount of its line of credit or revolving credit agreement is sufficient for the services for which it seeks a certificate of service authority and how its supporting documentation demonstrates that sufficiency;
- 4) The line of credit or revolving credit agreement;
- 5) The Standard & Poor's, Moody's Investment Service, Duff & Phelps or Fitch IBCA ratings report that presents the debt security rating of the financial institution extending the credit; and
- 6) The applicant's certified financial statements, as defined in 17 CFR 210.1-02 and 210.3-01 to 210.3-05 as of April 1, 1998, and accountant's report, as defined in 17 CFR 210.1-02 and 210.2-02 as of April 1, 1998, if the applicant does not have certified financial statements and an accountant's report, the applicant shall provide all of the following:

- A) A balance sheet at the date of application that includes a statement of assets, liabilities and owner's equity;
- B) An income statement at the date of application (provide projected income statement if entity has not yet started operations);
- C) A listing of shareholders, owners, partners or proprietors with ownership interests in excess of 5% and the amount of their respective ownership interests;
- D) A listing of any entities with which the applicant expects to enter into a contract within the next 12 months concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;
- E) Copies of all contracts with outside contractors and with all affiliated entities concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;
- F) A projected budget for the next three fiscal years following the current year; and
- G) If available:
 - 1) Unaudited financial statements for the most recent period available) including any compilation or review opinions;

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- ii) The most recent federal and state income tax return; and
- iii) General ledgers for the most recent 12 month period available.
- d) An applicant, such as an aggregator or power marketer, that will not engage in the sale or resale of electric energy to Illinois retail customers or the purchase or sale of derivative securities in electric energy or otherwise engage in any activity that could result in the applicant holding an ownership interest in or taking title to electric energy for the purpose of sale or resale to Illinois retail customers that does not meet any of the criteria set forth in subsection (b) shall describe its financial resources and explain why those financial resources are sufficient for the goods and services it will provide. If the applicant's financial resources are not sufficient for the services it will provide or if the financial documents do not otherwise establish that the applicant possesses adequate financial resources to provide the service for which it seeks a certificate of service authority, the Commission shall deny granting that certificate of service authority. In its application, the applicant shall provide the following:
- 1) An explanation of how its supporting documentation demonstrates that its financial resources are sufficient for the goods and services it will provide; and
 - 2) The applicant's certified financial statements, as defined in 17 CFR 210.1-02 and 210.3-01 to 210.3-05 as of April 1, 1998; and accountant's report, as defined in 17 CFR 210.1-02 and 210.2-02 as of April 1, 1998. If the applicant does not have certified financial statements and an accountant's report, the applicant shall provide all of the following:
 - A) A balance sheet at the date of application that includes a statement of assets, liabilities and owner's equity;
 - B) An income statement at the date of application (provide projected income statement if entity has not yet started operations);
 - C) A listing of shareholders, owners, partners or proprietors with ownership interests in excess of 5% and the amount of their respective ownership interests;
 - D) A listing of any entities with which the applicant expects to enter into a contract within the next 12 months concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;
 - E) Copies of all contracts with outside contractors and with all affiliated entities concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;
 - F) A projected budget for the next three fiscal years following the current year; and

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- G) If available:
- i) Unaudited financial statements (for the most recent period available) including any compilation or review opinions;
 - ii) The most recent federal and state income tax return; and
 - iii) General ledgers for the most recent 12 month period available.
- (Source: Added at 23 Ill. Reg. 13.020, effective _____, Dec. 1, 1999.)

Section 451.230 Technical Qualifications under Subpart C

- a) An applicant that uses electric generation, transmission or distribution facilities that it owns, controls, or operates in serving customers shall be deemed to possess sufficient technical capabilities to serve retail customers identified in this Subpart if it maintains a technical staff on duty or on call 24 hours each day to operate and maintain applicant's facilities as needed, and meets the criteria in subsections (b) and (c) of this Section.
- b) An applicant shall be deemed to possess sufficient technical capabilities to serve retail customers identified in this Subpart if it has individuals on its staff with demonstrated two years electric sales experience, two years electric system operational experience, three months experience with ONSIS reservation processes, three months experience with NERC tagging processes, and one years experience working with rules and practices established by NERC and MAIN and/or WAPP and provides, or has arranged to provide, the following:
- 1) A scheduling facility with 24 hour manned operation for coordination with control centers of scheduling changes, reserve implementation, curtailment orders, and interruption plan implementation; and
 - 2) The applicant shall designate in its application, and shall agree thereafter to maintain, a telephone number, fax number, and address where its staff can be directly reached at all times. Maintenance of an answering service or machine, pager, or similar message-taking procedure does not satisfy this requirement.
- c) The applicant shall include in its application an exhibit containing occupational background information on the persons who are being used to meet the requirements of this Section.
- d) In the event the applicant does not meet length of experience qualifications set forth in this Section, the applicant shall demonstrate the extent its technical resources and abilities match the services that it intends to provide to its customers. The Commission may impose such terms and conditions as deemed necessary in order to insure the applicant is technically qualified, commensurate with the anticipated scope of the service to be provided and customers to be

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served.

(Source: Added at 23 Ill. Reg. 13820, effective 01-01-1999)

Section 451.240 Managerial Qualifications under Subpart C

An applicant shall be deemed to possess sufficient managerial capabilities to serve customers identified in this Subpart if it has at least one person in management with four or more years demonstrated experience in a management position with enterprise financial and administration responsibilities including profit and loss responsibilities and provides the information required in subsections (a) and (b) of this Section.

- a) The applicant shall include in its application an exhibit containing occupational background information on the persons who are being used to meet the requirements of this Section.
- b) The applicant shall include in its application an exhibit containing a corporate organizational chart and indicating the position of persons indicated in subsection (a) of this Section.
- c) In the event the applicant does not meet the managerial qualifications set forth above, the applicant shall demonstrate the extent its managerial resources and abilities match the services that it intends to provide to its customers. The Commission may impose such terms and conditions as deemed necessary in order to insure the applicant is managerially qualified, commensurate with the anticipated scope of the service to be provided and customers to be served.

(Source: Added at 23 Ill. Reg. 13820, effective 01-01-1999)

Section 451.250 Qualifications of Agents and Contractors under Subpart C

An applicant may meet the requirements of Sections 451.230 and 451.240 by entering into one or more contracts with others to provide the required services, provided that:

- a) Each agent and contractor on whom the applicant relies to meet Section 451.230 or 451.240 is disclosed in the application; and
- b) The applicant shall certify that the agent or contractor will comply with all Sections of Part 451 applicable to the function or functions to be performed by the respective agent or contractor.

(Source: Added at 23 Ill. Reg. 13820, effective 01-01-1999)

Section 451.260 Commission Order in Proceedings under Subpart C

The Commission shall issue an order granting or denying an application filed under this Subpart C within 45 days after the date on which a complete

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application has been filed with the Commission, or the date on which the notice of the application's filing is published in the Official State Newspaper, whichever is later.

(Source: Added at 23 Ill. Reg. 13820, effective 01-01-1999)

Section 451.270 Confidential Documentation under Subpart C

If any of the information to be disclosed is privileged or confidential, the applicant should designate which information is privileged and confidential. Such information shall be marked as "confidential" and submitted separately under seal to the Clerk of the Illinois Commerce Commission. Applicant is required to explain why such information is entitled to such protection in a supporting document pursuant to Section 451.30(d)(1). The determination of whether such information is entitled to such protection will be ruled upon by the Commission in conjunction with its determination of the certification.

(Source: Added at 23 Ill. Reg. 13820, effective 01-01-1999)

SUBPART D: PROCEDURES FOR APPLICANTS SEEKING TO SERVE ALL RETAIL CUSTOMERS INCLUDING SMALL COMMERCIAL RETAIL CUSTOMERS BUT EXCLUDING RESIDENTIAL CUSTOMERS

Section 451.300 Applicability of Subpart D

Subpart D shall apply to applicants who seek to serve all retail customers including small commercial retail customers but excluding residential customers. The requirements of this Subpart are in addition to the requirements of Subpart A. Sections 451.320 through 451.340 do not apply to electric cooperatives or municipal systems making an election under Section 17-300 of the Act [220 ILCS 5/17-300] to become an alternative retail electric supplier.

(Source: Added at 23 Ill. Reg. 13820, effective 01-01-1999)

Section 451.310 General Provisions of Subpart D

- a) Applicant shall certify compliance with all terms and conditions required by Section 16-115A(C) of the Act [220 ILCS 5/16-115A(C)].
- b) An applicant that seeks to serve customers within a geographic area that is smaller than an electric utility's service area shall demonstrate that the designation of this smaller area does not violate any part of Section 16-115A of the Act [220 ILCS 5/16-115A]. Applicant shall state in its application for certification any limitations that will be imposed on the number of customers or maximum load to be

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served and certify that it will not deny service to a customer or group of customers nor establish any differences as to prices, terms, conditions, services, products, facilities, or in any other respect, whereby such denial or differences are based upon race, gender or income nor deny service to a customer or group of customers based on locality nor establish any unreasonable difference as to prices, terms, conditions, services, products, or facilities as between localities.

c) The applicant shall certify that it will comply with the following requirements with respect to the marketing, offering and provision of products or services to small commercial retail customers:

- 1) Any marketing materials that make statements concerning prices, terms and conditions of service shall contain information that adequately discloses the prices, terms and conditions of the products or services that the alternative retail electric supplier is offering or selling to the customer.
- 2) Before any customer is switched from another supplier, the alternative retail electric supplier shall give the customer written information that adequately discloses, in plain language, the prices, terms and conditions of the products and services being offered and sold to the customer.

3) An alternative retail electric supplier shall provide documentation to the Commission and to customers that substantiates any claims made by the alternative retail electric supplier regarding the technologies and fuel types used to generate the electricity offered or sold to customers.

4) The alternative retail electric supplier shall provide to the customer itemized billing statements that describe the products and services provided to the customer and their prices; and an additional statement, at least annually, that adequately discloses the average monthly prices, and the terms and conditions, of the products and services sold to the customer.

d) The applicant shall certify that it will include materials comprising the consumer education program (pursuant to Section 16-117 of the Act [220 ILCS 5/16-117]) with all initial mailings to potential small commercial retail customers and before executing any agreements or contracts with such customers.

e) The applicant shall certify that it will provide consumer education program materials (pursuant to Section 16-117 of the Act [220 ILCS 5/16-117]) at no charge to customers upon request.

f) The applicant shall certify that it will provide customers on a semiannual basis information on how to obtain a list of alternative retail electric suppliers that have been found in the last 3 years by the Commission (pursuant to Section 10-108 of the Act [220 ILCS 5/10-108]) to have failed to provide service in accordance with the terms of their contracts (pursuant to Section 16-117(g)(4)(C) of the Act).

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(Source: Added at 23 Ill. Reg. 13820, effective 06-1-1999)

Section 451.320 Financial Qualifications under Subpart D

a) The applicant shall execute and maintain a bond issued by a surety company authorized to transact business in the State of Illinois, in favor of the People of the State of Illinois in the amount of \$300,000. The bond shall be conditioned upon the full and faithful performance of all duties and obligations of the applicant as an ARES. The cost of the bond shall be paid by the applicant. The applicant shall provide a copy of this bond as part of its application for certification.

b) An applicant shall be deemed to possess sufficient financial resources to be certified as an ARES able to serve only non-residential customers if it meets any of the following criteria:

- 1) The applicant maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, P-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term bond ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide with its application a copy of the ratings reports that present these ratings.

2) The applicant has a borrowing agreement with an affiliate that has at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, P-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term bond ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the following:

- A) The ratings reports that present the ratings of the affiliate; and
- B) The borrowing agreement.
- 3) The obligations of the applicant have been unconditionally guaranteed by an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investors Service or its successor, P-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term

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bond ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investors Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the following:

- A) The ratings reports that present the ratings of the affiliate; and
 - B) The guarantee.
- 4) The applicant has a line of credit or revolving credit agreement from a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, A- or higher from Duff & Phelps or its successor, or A- or higher from Fitch IBCA or its successor in an amount equal to at least 10% of the amount of its revenue for the last 12-month period shown on the applicant's last financial statements that have received an accountant's report, as defined in 17 CFR 210.1-02, 210.2-01 and 210.2-02 as of April 1, 1998, that certifies those financial statements to be free of material misstatement. The applicant shall provide a copy of the following:

- A) The line of credit or revolving credit agreement;
- B) The Standard & Poor's, Moody's Investment Service, Duff & Phelps or Fitch IBCA ratings report that presents the debt security rating of the financial institution extending the credit;
- C) Its certified financial statements, as defined in 17 CFR 210.1-02 and 210.3-01 to 210.3-05 as of April 1, 1998; and
- D) The accountant's report, as defined in 17 CFR 210.1-02 and 210.2-02 as of April 1, 1998.

C) An applicant that will engage in the sale or resale of electric energy to Illinois retail customers or the purchase or sale of derivative securities in electric energy or otherwise engage in any activity that could result in the applicant holding an ownership interest in or taking title to electric energy for the purpose of sale or resale to Illinois retail customers that does not meet any of the criteria set forth in subsection (b) of this Section may demonstrate it has sufficient financial resources for the services for which it seeks a certificate of service authority if it has a line of credit or revolving credit agreement from a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, A- or higher from Duff & Phelps or its successor, or A- or higher from Fitch IBCA or its successor. If the amount of the line of credit or revolving credit agreement is of insufficient size or if the financial documents do not otherwise establish that the applicant possesses adequate financial resources to provide the service for which it seeks a certificate of service authority, the Commission shall deny granting that certificate of service authority. In its

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application, the applicant shall provide the following:

- 1) An explanation of why it does not meet any of the criteria set forth in subsection (b);
- 2) The amount of its line of credit or revolving credit agreement;
- 3) An explanation of why the amount of its line of credit or revolving credit agreement is sufficient for the services for which it seeks a certificate of service authority and how its supporting documentation demonstrates that sufficiency;
- 4) The line of credit or revolving credit agreement;
- 5) The Standard & Poor's, Moody's Investment Service, Duff & Phelps or Fitch IBCA ratings report that presents the debt security rating of the financial institution extending the credit; and
- 6) The applicant's certified financial statements, as defined in 17 CFR 210.1-02 and 210.3-01 to 210.3-05 as of April 1, 1998; and accountant's report, as defined in 17 CFR 210.1-02 and 210.2-02 as of April 1, 1998. If the applicant does not have certified financial statements and an accountant's report, the applicant shall provide all of the following:
 - A) A balance sheet at the date of application that includes a statement of assets, liabilities and owner's equity;
 - B) An income statement at the date of application (provide projected income statement if entity has not yet started operations);
 - C) A listing of shareholders, owners, partners or proprietors with ownership interests in excess of 5% and the amount of their respective ownership interests;
 - D) A listing of any entities with which the applicant expects to enter into a contract within the next 12 months concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;
 - E) Copies of all contracts with outside contractors and with all affiliated entities concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;
 - F) A projected budget for the next three fiscal years following the current year; and
 - G) If available:
 - i) Unaudited financial statements (for the most recent period available) including any compilation or review opinions;
 - ii) The most recent federal and state income tax return; and
 - iii) General ledgers for the most recent 12 month period available.

d) An applicant, such as an aggregator or power marketer, that will not engage in the sale or resale of electric energy to Illinois retail customers or the purchase or sale of derivative securities in electric

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energy or otherwise engage in any activity that could result in the applicant holding an ownership interest in or taking title to electric energy for the purpose of sale or resale to Illinois retail customers that does not meet any of the criteria set forth in subsection (b) shall describe its financial resources and explain why those financial resources are sufficient for the goods and services it will provide. If the applicant's financial resources are not sufficient for the services it will provide or if the financial documents do not otherwise establish that the applicant possesses adequate financial resources to provide the service for which it seeks a certificate of service authority, the Commission shall deny granting that certificate of service authority. In its application, the applicant shall provide the following:

- 1) An explanation of how its supporting documentation demonstrates that its financial resources are sufficient for the goods and services it will provide; and
- 2) The applicant's certified financial statements, as defined in 17 CFR 210.1-02 and 210.3-01 to 210.3-05 as of April 1, 1996, and accountant's report, as defined in 17 CFR 210.1-02 and 210.3-02 as of April 1, 1996. If the applicant does not have certified financial statements and an accountant's report, the applicant shall provide all of the following:
 - A) A balance sheet at the date of application that includes a statement of assets, liabilities and owner's equity;
 - B) An income statement at the date of application (provide projected income statement if entity has not yet started operations);
 - C) A listing of shareholders, owners, partners or proprietors with ownership interests in excess of 5% and the amount of their respective ownership interests;
 - D) A listing of any entities with which the applicant expects to enter into a contract within the next 12 months concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;
 - E) Copies of all contracts with outside contractors and with all affiliated entities concerning the provision of electric power or energy, or the delivery or furnishing of electric power or energy, to retail customers;
 - F) A projected budget for the next three fiscal years following the current year; and
 - G) If available:
 - i) Unaudited financial statements (for the most recent period available) including any compilation or review opinions;
 - ii) The most recent federal and state income tax return; and
 - iii) General ledgers for the most recent 12 month period

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available.

(Source: Added at 23 Ill. Reg. 13820, effective Dec. 1, 1999)

Section 451.330 Technical Qualifications under Subpart D

a) An applicant that uses electric generation, transmission or distribution facilities that it owns, controls, or operates in serving customers shall be deemed to possess sufficient technical capabilities to serve retail customers identified in this Subpart if it maintains a technical staff on duty or on call 24 hours each day to operate and maintain applicant's facilities as needed, and meets the criteria in subsections (b) and (c) of this Section.

b) An applicant shall be deemed to possess sufficient technical capabilities to serve retail customers identified in this Subpart if it has individuals on its staff with demonstrated four years electric sales experience, four years electric system operational experience, six months experience with OMSIS reservation processes, six months experience with NERC tagging processes, and no recent experience with violations and practices prohibited by NERC, ICA, and/or MAPP and provided, or be expected to provide, the following:

- 1) A scheduling facility with 24 hour manned operation in coordination with control centers of scheduling changes, reserve implementation, curtailment orders, and interruption plan implementation; and
- 2) The applicant shall designate in its application, and shall agree thereafter to maintain, a telephone number, fax number, and address where its staff can be directly reached at all times. Maintenance of an answering service or machine, pager, or similar message-taking procedure does not satisfy this requirement.
- c) The applicant shall include in its application an exhibit containing occupational background information on the persons who are being used to meet the requirements of this Section.
- d) In the event the applicant does not meet length of experience qualifications set forth above, the applicant shall demonstrate the extent its technical resources and abilities match the services that it intends to provide to its customers. The Commission may impose such terms and conditions as deemed necessary in order to insure the applicant is technically qualified, commensurate with the anticipated scope of the service to be provided and customers to be served.

(Source: Added at 23 Ill. Reg. 13820, effective Dec. 1, 1999)

Section 451.340 Managerial Qualifications under Subpart D

An applicant shall be deemed to possess sufficient managerial capabilities to

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serve retail customers identified in this Subpart if it has three or more individuals in management positions with four or more years demonstrated experience in a management position with enterprise financial and administration responsibilities including profit and loss responsibilities, four years electric sales experience, and four years electric system operational experience and provides the information required in subsections (a) and (b) of this Section.

- a) The applicant shall include in its application an exhibit containing occupational background information on the persons who are being used to meet the requirements of this Section.
- b) The applicant shall include in its application an exhibit containing a corporate organizational chart and indicating the position of persons indicated in subsection (a) of this Section.
- c) In the event the applicant does not meet the managerial qualifications set forth above, the applicant shall demonstrate that it intends to provide to its customers. The Commission may impose such terms and conditions as deemed necessary in order to insure the applicant is managerially qualified, commensurate with the anticipated scope of the service to be provided and customers to be served.

(Source: Added at 23 Ill. Reg. 13820, effective DEC - 1999)

Section 451.350 Qualifications of Agents and Contractors under Subpart D

An applicant may meet the requirements of Sections 451.330 and 451.340 by entering into one or more contracts with others to provide the required services, provided that:

- a) Each agent and contractor on whom the applicant relies to meet Section 451.330 or 451.340 is disclosed in the application.
- b) The applicant shall certify that the agent or contractor will comply with all Sections of Part 451 applicable to the function or functions to be performed by the respective agent or contractor.

(Source: Added at 23 Ill. Reg. 13820, effective DEC - 1999)

Section 451.360 Commission Order in Proceedings under Subpart D

The Commission shall issue an order granting or denying an application filed under this Subpart D within 45 days after the date on which a complete application has been filed with the Commission, or the date on which the notice of the application's filing is published in the Official State Newspaper, whichever is later.

(Source: Added at 23 Ill. Reg. 13820, effective DEC - 1999)

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Section 451.370 Confidential Documentation under Subpart D

If any of the information to be disclosed is privileged or confidential, the applicant should designate which information is privileged and confidential. Such information shall be marked as "confidential" and submitted separately under seal to the Clerk of the Illinois Commerce Commission. Applicant is required to explain why such information is entitled to such protection in a supporting document pursuant to Section 451.30(d)(1). The determination of whether such information is entitled to such protection will be ruled upon by the Commission in conjunction with its determination of the certification.

(Source: Added at 23 Ill. Reg. 13820, effective DEC - 1999)

SUBPART E: PROCEDURES FOR APPLICANTS SEEKING CERTIFICATION**TO SERVE ONLY THEMSELVES OR AFFILIATED CUSTOMERS****Section 451.400 Applicability of Subpart 2**

This Subpart shall apply to a retail customer that seeks certification as an AES only to provide electric power and energy to the applicant itself, and to retail customers, at separate locations, if the customers are both owned by, or are subsidiaries of, other corporate affiliates of, the applicant and are eligible for delivery services. This includes, but is not limited to, applicants seeking certification pursuant to Section 16-115(a) of the Act.

(Source: Added at 23 Ill. Reg. 13820, effective DEC - 1999)

Section 451.410 Required Filings and Procedures under Subpart 2

- a) The applicant shall publish notice of its application for certification in the Official State Newspaper within 10 days following the filing of the application for certification. The applicant will file proof of publication with the Clerk of the Commission when notice publication has been accomplished.
- b) All applications for certification under this Part shall be verified as required by Section 200.130 of the Commission's "rules of Practice" (83 Ill. Adm. Code 200.130).

c) The applicant shall verify the following:

- 1) Applicant's name, street address and phone number.
- 2) Description and location of co-generation or self-generation facility that applicant owns, if any.
- 3) Description(s) and location(s) of retail customers to be serviced by applicant and shall provide:

- A) Description of relationship between applicant and retail customers; and
- B) Verification that the retail customers are eligible for

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d) The applicant shall verify that it has entered into an agreement with the relevant electric utilities pursuant to Section 16-118.

e) The applicant shall comply with the requirements of Section 451.20(a).

f) Contents of documents shall be consistent with Subpart B of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200; Subpart B).

(Source: Added at 23 Ill. Reg. 13820, effective 01-01-1999)

Section 451.420 Technical Qualifications under Subpart E

a) Applicant shall be deemed to possess sufficient technical capabilities to serve nonresidential retail customers under this Subpart if it maintains a technical staff on duty or on call 24 hours each day to operate and maintain applicant's facilities as needed.

b) Applicant provides, or has arranged to provide, a scheduling facility with 24-hour staffed operation for coordination with control centers of scheduling changes, reserve implementation, curtailment orders, and interruption plan implementation.

c) The applicant shall designate in its application, and shall agree thereafter to maintain, a telephone number, fax number, and address where its staff can be directly reached at all times. Maintenance of an answering service or machine, pager, or similar message-taking procedure does not satisfy this requirement.

d) The applicant shall include in its application an exhibit containing occupational background information on the persons or agents who are being used to meet the requirements of this Section.

(Source: Added at 23 Ill. Reg. 13820, effective 01-01-1999)

Section 451.430 Qualifications of Agents and Contractors under Subpart E

An applicant may meet the requirements of Section 451.420 by entering into one or more contracts with others to provide the required services, provided that:

a) The contract with others is in writing and the applicant relies to meet Section 451.420 is disclosed in the application and

b) The applicant shall certify that the agent or contractor will comply with all Sections of Part 451 applicable to the function or functions to be performed by the respective agent or contractor.

(Source: Added at 23 Ill. Reg. 13820, effective 01-01-1999)

Section 451.440 Commission Order in Proceedings under Subpart E

The Commission shall issue an order granting or denying an application filed

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under this Subpart E within 45 days after the date on which a complete application has been filed with the Commission, or the date on which the notice of the application's filing is published in the Official State Newspaper, whichever is later.

(Source: Added at 23 Ill. Reg. 13820, effective 01-01-1999)

Section 451.450 Confidential Documentation under Subpart E

If any of the information to be disclosed is privileged or confidential, the applicant should designate which information is "privileged and confidential." Such information shall be marked as "confidential" and submitted separately under seal to the Clerk of the Illinois Commerce Commission. Applicant is required to explain why such information is entitled to such protection in supporting documentation filed with the application. The determination of whether such information is entitled to such protection will be ruled upon by the Commission in conjunction with its determination of the certification.

(Source: Added at 23 Ill. Reg. 13820, effective 01-01-1999)

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- 1) Heading of the Part: Student Records
- 2) Code Citation: 23 Ill. Adm. Code 375
- 3) Section Number: Adopted Action:
375-10 Amendment
375-40 Amendment
375-70 Amendment
375-75 Amendment
- 4) Statutory Authority: 105 ICS 10 and 105 ICS 5/2-3.13a
- 5) Effective Date of Amendments: November 8, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 23 Ill. Reg. 5385; May 7, 1999
- 10) Has JCPR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: Section 375.10 under the definition of "Student Permanent Record" and Section 375.75(d)(2)(A) were revised to clarify the requirement. These now read: "The record shall identify information, including the student's name and address, birth date and place, and gender, and the names and addresses of the student's parents,".
- 12) Have all the changes agreed upon by the agency and JCPR been made as indicated in the agreements issued by JCPR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: These amendments implement several legislative changes that have occurred over the last several years. A brief description of each public act follows.
 - P.A. 89-622, effective August 9, 1996, amended Section 2-3.13a of the School Code to require schools to take certain actions in the case of students who are transferring to a different school and are currently

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- serving a suspension or expulsion (see Section 375.75(g)).
- P.A. 90-566, effective January 2, 1998, amended Section 2-3.64 of the School Code to require that state assessment scores be included in student school records (see Section 375.10, definitions under "Student Permanent Record" and "Student Temporary Record"); and Section 6 of the Illinois School Student Records Act to allow the release of student records to certain entities investigating violations of compulsory attendance laws (see Section 375.70(c)).
- P.A. 90-590, effective January 1, 2000, amended Sections 2 and 6 of the Illinois School Student Records Act, necessitating changes in the definitions for permanent and temporary records (see Section 375.10); Section 4 of the Illinois School Student Records Act, regarding requirements for maintenance and disclosure (see Section 375.40(a)(2)); and Section 6 of the Illinois School Student Records Act, regarding release of information in certain instances (see Section 375.70(c)).
- 16) Information and questions regarding this adopted amendment shall be directed to:

Mr. Cliff Erwin
Quality Assurance
Illinois State Board of Education
100 North First Street, E-310
Springfield, Illinois 62777-0001
(217) 782-2948

The full text of the adopted amendments begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

CHAPTER 1: SUBTITLE A: EDUCATION

CHAPTER 1: STATE BOARD OF EDUCATION

SUBCHAPTER k: SCHOOL RECORDS

PART 375

STUDENT RECORDS

Section

375.10	Definitions
375.20	Rights of Students
375.30	Notification
375.40	Maintenance
375.50	Costs for Copies of Records
375.60	Emergency Release of Information
375.70	Release of Information
375.75	Public and Nonpublic Schools: Transmission of Records for Transfer Students
375.80	Directory Information
375.90	Challenge Procedures
375.100	Implementation
375.110	Enforcement

AUTHORITY: Implementing and authorized by the Illinois School Student Records Act [105 ILCS 101] and Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a].

SOURCE: Emergency rule adopted March 24, 1976; codified at 7 Ill. Reg. 12864; amended at 10 Ill. Reg. 12602, effective July 9, 1986; amended at 12 Ill. Reg. 4818, effective February 25, 1988; amended at 20 Ill. Reg. 15304, effective November 18, 1996; amended at 23 Ill. Reg. 13843, effective November 8, 1999.

Section 375.10 Definitions

"Act" means the Illinois School Student Records Act [105 ILCS 101].
(~~1111-Rev-Stat-1995, ch-122, par-59-1-et-seq.~~)

"Student Permanent Record" means and shall consist of the following, as limited by Section 2(d) of the Act [105 ILCS 10/2(d)]:

Basic identifying information, including the student's name and address, birth date and place, and gender, and the names and addresses of the student's parents; ~~Basic identifying information---including---students---and---parents---names---and---addresses---birth-date-and-place-and-gender.~~

Academic transcript, including grades, class rank, graduation date, grade level achieved and scores on college

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entrance examinations;

Attendance record;

Accident reports and health record;

Record of release of permanent record information in accordance with Section 6(c) of the Act [105 ILCS 10/6(c)]; ~~and;~~

Scores received on all State assessment tests administered at the high school level (i.e., grades 9 through 12) (see 105 ILCS 5/2-3.64(a)); and

May also consist of:

Honors and awards received; and

Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.

No other information shall be placed in the student permanent record.

"Student Temporary Record" means all information not required to be in the student permanent record and shall consist of the following, as limited by Section 2(d) of the Act ~~include---a record---of---release---of temporary---record---information---and---all information not required to be in the student permanent record, which may include:~~

A record of release of temporary record information in accordance with Section 6(c) of the Act [105 ILCS 10/6(c)].

Scores received on the State assessment tests administered in the elementary grade levels (i.e., kindergarten through grade 8) (see 105 ILCS 5/2-3.64(a)); and

Information regarding serious infractions (i.e., those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension or the imposition of punishment or sanction [105 ILCS 10/2(f)]; and

May also consist of:

Family background information;

Intelligence test scores, group and individual;

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Aptitude test scores;

Reports of psychological evaluations, including information on intelligence, personality and academic information obtained through test administration, observation, or interviews;

Elementary and secondary achievement level test results;

Participation in extracurricular activities, including any offices held in school-sponsored school-sponsored clubs or organizations;

Honors and awards received;

Teacher anecdotal records;

Other disciplinary disciplinary information;

Special education files, including the report of the multidisciplinary staffing on which placement or nonplacement was based, and all records and tape recordings relating to special education placement hearings and appeals;

Any verified reports or information from non-educational persons, agencies or organizations; and

Other verified information of clear relevance to the education of the student.

"Substitute" means a person designated by the school to temporarily serve in the event of absence of a person employed by the school.

(Source: Amended at 23 Ill. Reg. 13843, effective NOV-8-1989)

Section 375.40 Maintenance

a) The provisions within the Act and this Part requiring records to be separated into permanent and temporary categories shall apply only to records of students who are enrolled in the school on or after the effective date of this Part. Records of students who have graduated or permanently withdrawn prior to the effective date of this Part are not subject to these classifications except:

1) In compliance with the request of a parent or eligible student that such categorization occur; and

2) The records custodian shall ensure that information characterized

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by the Act and this Part as "temporary" shall not be disclosed except as provided by Section 5 of the Act or by court order [105 ILCS 10/4(f)] released-unless-specifically-requested-by-the-parent-or-eligible-student.

b) Student records shall be reviewed every four years or upon a student's change in attendance centers, whichever occurs first, to verify entries and to eliminate or correct all out-of-date, misleading, inaccurate, unnecessary or irrelevant information pursuant to Section 375.10 of this Part.

c) Upon graduation, transfer or permanent withdrawal of a student from a school, the school shall notify the parents and the student of the destruction schedule for the student permanent record and the student temporary record and of the right to request a copy of such records at any time prior to their destruction. Notification shall must consist of the following: date of notification, parent name, name of records custodian, name of students and the scheduled destruction date of temporary and permanent records.

d) Upon graduation or permanent withdrawal of a handicapped student, as defined in the School Code [105 ILCS 5/Act. 14] and 23 Ill. Adm. Code 226, Subpart A (Special Education), psychological evaluations, special education files and other information contained in the student temporary record which may be of continued assistance to the student may, after five years, be transferred to the custody of the parent or to the student if the student has succeeded to the rights of the parents. The school shall explain to the student and the parent the future usefulness of these records.

e) If a certified copy of an order of protection has been filed with a school district, then the district shall notify its school employees that the student records or information in those records of a protected child identified in the order shall not be released to the person against whom the order was issued (Section 222(f) of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/222(f)]).

(Source: Amended at 23 Ill. Reg. 13843, effective NOV-8-1989)

Section 375.70 Release of Information

a) Except as otherwise provided in Section 375.75 of this Part, the records of a student shall be transferred by the records custodian of a school to another school in which the student has enrolled or intends to enroll upon the request of the records custodian of the other school or the student, provided that the parent receives prior written notice of the nature and substance of the information to be transferred and opportunity to inspect, copy, and challenge such information. If the address of the parents is unknown, notice may be served upon the records custodian of the requesting school for transmittal to the parents. Such service shall be deemed conclusive,

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Section 375-75 Public and Nonpublic Schools: Transmission of Records for Transfer Students

- a) This Section implements Section 2-3.13a of the School Code (411 Rev. Stat. 1986-Supp.-ch-422-par-2-3.13a) [105 ILCS 5/2-3.13a], Section 5 of the Act to require the registration of habitual child sex offenders and in relation to the confidentiality of information concerning minor victims of sex offenses and concerning missing children (411 Rev. Stat. 1986-Supp.-ch-23-par-2275) the Missing Children Records Act [325 ILCS 50/5] and Section 5 of an Act in relation to children (411 Rev. Stat. 1986-Supp.-ch-23-par-929) the Missing Children Registration Law [325 ILCS 55/5]. This Section is applicable to all public private or nonpublic elementary and secondary schools in the State of Illinois.
- b) As used in this Section, "Unofficial Record of Student Grades" means written information relative to the grade levels and subjects in which a student was enrolled and the record of academic grades achieved by that student prior to transfer. Such records shall must also include the name and address of the school, the name of the student to whom the records pertain, the name and title of the school official transmitting the records, and the date of transmittal.
- c) As used in this Section, "Official Transcript of Scholastic Records" means the formal record showing dates of enrollment, courses studied, grades, credits, and awards received, and bearing the signature and title of the certifying official, the seal of the school, if any, and the date of issue.
- d) As used in this Section, "Certified Copy of Student's Record" means:

- 1) for public schools, the student's permanent and temporary record as defined in Section 375.10 of this Part; and
 - 2) for private and nonpublic schools, the individual student information maintained by such schools for all of their students.
- Such information may include:
- A) Basic identifying information, including the student's name and address, birth date and place, and gender, and the names and addresses of the student's parents; ~~Basic-identifying information-including-students-and-parents-names-and-addresses-birth-date-and-place-and-gender~~
 - B) Academic transcript, including grades, class rank, graduation date, grade level achieved and scores on college entrance examinations;
 - C) Attendance record;
 - D) Accident reports and health record;
 - E) Honors and awards received; and
 - F) Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.
- e) Within 14 days after enrolling a transfer student, an elementary or secondary school shall comply with the requirements of Section 5 of

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- and ten calendar days after such service, if the parents make no objection, the records may be transferred to the requesting school.
- b) The school shall grant access to information contained in school student records to persons authorized or required by State or federal law to gain such access, provided that:
- 1) Such person shall provide the school with appropriate identification and a copy of the statute authorizing such access; and
 - 2) The parent receives prior written notice of the nature and substance of the information to be released and an opportunity to inspect, copy and/or challenge such information. If this release of information relates to more than 25 students, such prior notice may be given in a local newspaper of general circulation or other publication directed generally to parents.
- c) The school shall grant access to, or release information from, school student records without parental consent or notification only in accordance with the provisions of Section 6(a) of the Act [105 ILCS 10/6(a)].
- 1) ~~So an employer or official of the school or district or the State Board of Education, provided such employer or official has a current, demonstrable educational or administrative interest in the student and the records are in furtherance of such interest;~~
- 2) ~~So any person for the purpose of research, statistical reporting, or planning provided that:~~
- A) The person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records; and
 - B) No student or parent can be identified from the information released (Section 6 of the Act);
- 3) ~~Persons to a court order provided that the procedures outlined in Section 6(a)(5) of the Act are observed;~~
- d) Any release of information other than specified in subsections (a) through (c) of this Section requires the prior, specific, dated, written consent of the parent designating the person to whom such records may be released, the reason for the release, and the specific records to be released. At the time such consent is requested or obtained, the school shall inform the parents of the following rights:
- 1) To inspect and copy such records;
 - 2) To challenge the contents of such records; and
 - 3) To limit any such consent to designated records or designated portions of information within the records.
- e) Release of information by school personnel shall conform to the requirements of Sections 10-22.3c and 34-18.6a of the School Code [105 ILCS 5/10-22.3c and 34-18.6a] and Section 5(a) of the Act.

(Source: Amended at 23 Ill. Reg. 13043, effective 10/1/89)

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the Missing Children Records Act and Section 5 of the Missing Children Registration Law regarding the records of such transfer student. ~~Within 14 days after enrolling a transfer student, an elementary or secondary school shall request directly from the student's previous school a certified copy of the student's record. The requesting school shall exercise due diligence in obtaining the copy of the record requested. Any elementary or secondary school requested to forward a copy of a transferring student's record to the new school shall comply within 10 days of receipt of the request unless the record has been flagged as belonging to a missing child as provided in Section 5 of the Act to require the registration of habitual child sex offenders and in relation to the confidentiality of information concerning minor victims of sex offenses and concerning missing children and Section 5 of the Act in relation to children, in which case the copy shall not be forwarded and the requested school shall notify the Illinois Department of State Police of local law enforcement Authority of the Request. §§14-Rev: State 4996-Supp.---ch.---23---para---2275(c)-and 2285(c)7-7~~ The transfer of the record by a public school is subject to the prior notice to parents required by Section 375.70(a) of this Part.

f) If the student has unpaid fines or fees and is transferring to a public school located in Illinois or any other state, the school may elect to include in the student's record transferred pursuant to this Section the unofficial record of the student's grades in lieu of the student's official transcript of scholastic records. If the school so elects, the school shall within 10 calendar days after the student has paid all of his or her unpaid fines or fees and at its own expense forward the student's official transcript of scholastic records to the student's new school.

g) If the student is transferring to another public school located in Illinois or any other state and at the time of the transfer is currently serving a term of suspension or expulsion for those offenses enumerated in Section 2-3.13a of the School Code, then the following applies:

- 1) any school student records required to be transferred shall include the date and duration of the period of suspension or expulsion; and
- 2) the student shall not be permitted to attend class in the public school to which he or she is transferring until the term of the suspension or expulsion is expired.

(Source: Amended at 23 Ill. Reg. 13843, effective Nov 8 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
 - 2) Code Citation: 89 Ill. Adm. Code 113
 - 3) Section Numbers: Adopted Action:
113.157 Amendment
113.260 Amendment
 - 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].
 - 5) Effective Date of Amendments: November 19, 1999
 - 6) Does this rulemaking contain an automatic repeal date? No
 - 7) Do these amendments contain incorporations by reference? No
 - 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
 - 9) Notice of Proposal Published in Illinois Register: July 30, 1999 (23 Ill. Reg. 8575)
 - 10) Has JCAR Issued a Statement of Objections to these amendments? No
 - 11) Differences between proposal and final version: No changes were made in the text of the proposed amendments.
 - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
 - 13) Will these amendments replace an emergency amendment currently in effect? Yes
 - 14) Are there any amendments pending on this Part: Yes
- | | | |
|-----------------|-----------------|----------------------------|
| Section Numbers | Proposed Action | Illinois Register Citation |
| 113.113 | Amendment | 23 Ill. Reg. 12019 |
- 15) Summary and Purpose of Amendments: These amendments align the determination of liability of sponsors of non-citizens with the change to eliminate the use of the federal poverty level as an eligibility test for TANF. For the determination of liability of sponsors of non-citizens, the Department will use 3 times the payment level in lieu of the federal poverty level. This change closely replicates the use of Work Pays budgeting, exempting 2 out of 3 dollars earned. It is easy to understand for Clients and staff.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

As a result of recent legislation, these amendments increase the shelter care rates by \$91 per month per AABD client. The purpose of this increase is to help cover the cost of the care the client is receiving from the shelter care provider.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER B: ASSISTANCE PROGRAMS

PART 113

AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section	Description of the Assistance Program Incorporation By Reference
113.1	
113.5	

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
113.9	Client Cooperation
113.10	Citizenship
113.20	Residence
113.30	Age
113.40	Blind
113.50	Disabled
113.60	Living Arrangement
113.70	Institutional Status
113.80	Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
113.100	Unearned Income
113.101	Budgeting Unearned Income
113.102	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103	Initial Receipt of Unearned Income
113.104	Termination of Unearned Income
113.105	Unearned Income In-Kind
113.106	Earmarked Income
113.107	Lump Sum Payments and Income Tax Refunds
113.108	Protected Income (Repealed)
113.109	Earned Income (Repealed)
113.110	Budgeting Earned Income (Repealed)
113.111	Protected Income
113.112	Earned Income
113.113	Exempt Unearned Income
113.114	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115	Initial Employment

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113.116 Budgeting Earned Income For Contractual Employees
 113.117 Budgeting Earned Income For Non-contractual School Employees
 113.118 Termination of Employment
 113.120 Exempt Earned Income
 113.125 Recognized Employment Expenses
 113.130 Income From Work/Study/Training Programs
 113.131 Earned Income From Self-Employment
 113.132 Earned Income From Roomer and Boarder
 113.133 Earned Income From Rental Property
 113.134 Earned Income In-Kind
 113.139 Payments from the Illinois Department of Children and Family Services
 113.140 Assets
 113.141 Exempt Assets
 113.142 Asset Disregard
 113.143 Deferral of Consideration of Assets
 113.154 Property Transfers For Applications Filed Prior To October 1, 1989
 (Repealed)
 113.155 Property Transfers For Applications Filed On Or After October 1, 1989
 (Repealed)
 113.156 Court Ordered Child Support Payments of Parent/Step-Parent
 113.157 Responsibility of Sponsors of Non-citizens Entering the Country Prior
 To 8/22/96
 113.158 Responsibility of Sponsors of Non-citizens Entering the Country On or
 After 08/22/96
 113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section
 113.245 Payment Levels for AABD
 113.246 Personal Allowance
 113.247 Personal Allowance Amounts
 113.248 Shelter
 113.249 Utilities and Heating Fuel
 113.250 Laundry
 113.251 Telephone
 113.252 Transportation, Lunches, Special Fees
 113.253 Allowances for Increase in SSI Benefits
 113.254 Nursing Care or Personal Care in Home Not Subject to Licensing
 113.255 Sheltered Care in a Licensed Group Care Facility
 113.256 Shopping Allowance for Blind and Partially Sighted (Blind Only)
 113.257 Special Allowances for Blind and Partially Sighted (Blind Only)
 113.258 Home Delivered Meals
 113.259 AABD Fuel and Utility Allowances By Area
 113.260 Sheltered Care Rates
 113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled
 Nursing Facilities, DMRDD Facilities and All Other Licensed Medical
 Facilities

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

113.262 Meeting the Needs of an Ineligible Dependent with Client's Income

SUBPART E: OTHER PROVISIONS

Section
 113.300 Persons Who May Be Included In the Assistance Unit
 113.301 Grandfathered Cases
 113.302 Interim Assistance (Repealed)
 113.303 Special Needs Authorizations
 113.304 Retrospective Budgeting
 113.305 Budgeting Schedule
 113.306 Purchase and Repair of Household Furniture (Repealed)
 113.307 Property Repairs and Maintenance
 113.308 Excess Shelter Allowance
 113.309 Limitation on Amount of AABD Assistance to Recipients from Other
 States (Repealed)
 113.320 Redetermination of Eligibility
 113.330 Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

Section
 113.400 Description of the Interim Assistance Program
 113.405 Pending SSI Application (Repealed)
 113.410 More Likely Than Not Eligible for SSI (Repealed)
 113.415 Non-Financial Factors of Eligibility (Repealed)
 113.420 Financial Factors of Eligibility (Repealed)
 113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)
 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago
 (Repealed)
 113.435 Medical Eligibility (Repealed)
 113.440 Attorney's Fees for SSI Applicants (Repealed)
 113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
 113.450 Limitation on Amount of Interim Assistance to Recipients from Other
 States (Repealed)
 113.500 Attorney's Fees for SSI Appellants (Renumbered)

ILLUSTRATION: Implementing Article III and authorized by Section 12-13 of the
 Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg.
 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134,
 effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4,
 effective August 30, 1978, for a maximum of 150 days; emergency expired January
 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1,
 1978; peremptory amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979,
 for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 26, p. 182,
 effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33,

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P. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, P. 415, effective August 18, 1979; amendment at 3 Ill. Reg. 38, P. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, P. 321, effective September 7, 1979; amendment at 3 Ill. Reg. 40, P. 140, effective October 6, 1979; amendment at 3 Ill. Reg. 46, P. 36, effective November 2, 1979; amendment at 3 Ill. Reg. 47, P. 96, effective November 13, 1979; amendment at 3 Ill. Reg. 48, P. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, P. 259, effective February 22, 1980; amendment at 4 Ill. Reg. 10, P. 258, effective February 25, 1980; amendment at 4 Ill. Reg. 12, P. 581, effective March 10, 1980; amendment at 4 Ill. Reg. 29, P. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, P. 294, effective July 6, 1980, for a maximum of 150 days; amendment at 4 Ill. Reg. 37, P. 797, effective September 2, 1980; amendment at 4 Ill. Reg. 37, P. 800, effective September 2, 1980; amendment at 4 Ill. Reg. 45, P. 134, effective October 27, 1980; amendment at 5 Ill. Reg. 766, effective January 2, 1981; amendment at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amendment at 5 Ill. Reg. 7071, effective June 23, 1981; amendment at 5 Ill. Reg. 7104, effective June 23, 1981; amendment at 5 Ill. Reg. 8041, effective July 27, 1981; amendment at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amendment at 5 Ill. Reg. 10730, effective October 1, 1981; amendment at 5 Ill. Reg. 10760, effective October 1, 1981; amendment at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amendment at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 1, 1982; amendment at 6 Ill. Reg. 8142, effective July 1, 1982; amendment at 6 Ill. Reg. 8159, effective July 1, 1982; amendment at 6 Ill. Reg. 10970, effective August 26, 1982; amendment at 6 Ill. Reg. 11921, effective September 21, 1982; amendment at 6 Ill. Reg. 12293, effective October 1, 1982; amendment at 6 Ill. Reg. 12318, effective October 1, 1982; amendment at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195, amended at 7 Ill. Reg. 9367, effective August 1, 1983; amendment at 7 Ill. Reg. 17351, effective December 21, 1983; amendment at 8 Ill. Reg. 537, effective December 30, 1983; amendment at 8 Ill. Reg. 5225, effective April 9, 1984; amendment at 8 Ill. Reg. 6746, effective April 27, 1984; amendment at 8 Ill. Reg. 11414, effective June 27, 1984; amendment

at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amendment at 8 Ill. Reg. 18896, effective September 26, 1984; amendment at 9 Ill. Reg. 5335, effective April 5, 1985; amendment at 9 Ill. Reg. 8166, effective May 17, 1985; amendment at 9 Ill. Reg. 8657, effective May 25, 1985; amendment at 9 Ill. Reg. 11302, effective July 5, 1985; amendment at 9 Ill. Reg. 11636, effective July 8, 1985; amendment at 9 Ill. Reg. 11991, effective July 12, 1985; amendment at 9 Ill. Reg. 12806, effective August 9, 1985; amendment at 9 Ill. Reg. 15896, effective October 4, 1985; amendment at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amendment at 10 Ill. Reg. 1183, effective January 10, 1986; amendment at 10 Ill. Reg. 6956, effective April 16, 1986; amendment at 10 Ill. Reg. 8794, effective May 12, 1986; amendment at 10 Ill. Reg. 10628, effective June 3, 1986; amendment at 10 Ill. Reg. 11920, effective July 3, 1986; amendment at 10 Ill. Reg. 15310, effective September 5, 1986; amendment at 10 Ill. Reg. 15631, effective September 19, 1986; amendment at 11 Ill. Reg. 3150, effective February 6, 1987; amendment at 11 Ill. Reg. 8712, effective April 20, 1987; amendment at 11 Ill. Reg. 12441, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amendment at 11 Ill. Reg. 20880, effective December 14, 1987; amendment at 12 Ill. Reg. 867, effective January 1, 1988; amendment at 12 Ill. Reg. 2137, effective January 11, 1988; amendment at 12 Ill. Reg. 3497, effective January 22, 1988; amendment at 12 Ill. Reg. 5642, effective March 15, 1988; amendment at 12 Ill. Reg. 6151, effective March 22, 1988; amendment at 12 Ill. Reg. 7687, effective April 22, 1988; amendment at 12 Ill. Reg. 8662, effective May 13, 1988; amendment at 12 Ill. Reg. 9023, effective May 20, 1988; amendment at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amendment at 12 Ill. Reg. 14162, effective August 30, 1988; amendment at 12 Ill. Reg. 17849, effective October 25, 1988; amendment at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amendment at 13 Ill. Reg. 6007, effective April 14, 1989; amendment at 13 Ill. Reg. 12553, effective July 12, 1989; amendment at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amendment at 14 Ill. Reg. 720, effective January 1, 1990; amendment at 14 Ill. Reg. 6321, effective April 16, 1990; amendment at 14 Ill. Reg. 13187, effective August 6, 1990; amendment at 14 Ill. Reg. 14808, effective September 3, 1990; amendment at 14 Ill. Reg. 16357, effective September 30, 1990; amendment at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amendment at 15 Ill. Reg. 5291, effective April 1, 1991; amendment at 15 Ill. Reg. 5698, effective April 10, 1991; amendment at 15 Ill. Reg. 7104, effective April 30, 1991; amendment at 15 Ill. Reg. 11142, effective July 22, 1991; amendment at 15 Ill. Reg. 11948, effective August 12, 1991; amendment at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amendment at 15 Ill. Reg. 16709, effective November 1, 1991; amendment at 16 Ill. Reg.

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3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6339, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective October 1, 1998; emergency amendment at 22 Ill. Reg. 21750, effective November 24, 1998, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 579, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1607, effective January 20, 1999; amended at 23 Ill. Reg. 5548, effective April 23, 1999; amended at 23 Ill. Reg. 6052, effective May 4, 1999; amended at 23 Ill. Reg. 6425, effective May 15, 1999; amended at 23 Ill. Reg. 6935, effective May 30, 1999; amended at 23 Ill. Reg. 7887, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8650, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10161, effective August 3, 1999; amended at 23 Ill. Reg. 13852, effective NOV 19 1999.

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 113.157 Responsibility of Sponsors of Non-citizens Entering the Country Prior to 8/22/96

- a) This Section, except as specified in subsection (b) of this Section, applies to all non-citizens who entered the country prior to August 22, 1996, or who entered the country on or after that date but whose sponsor did not sign an Affidavit of Support under Section 213a of the Immigration and Nationality Act (INA) (8 USC 1183a).
- b) This Section applies to all non-citizens except the following:
- 1) persons paroled under Section 212(d)(5) of the Immigration and Nationality Act (8 USC 1182(d)(5)) (INA) for at least one year

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- and who entered the United States before August 22, 1996; persons granted asylum by the U.S. Attorney General under Section 208 of the INA (8 USC 1158);
- 2) persons admitted as Cuban or Haitian entrants;
 - 3) persons admitted by application before April 1, 1980, under Section 203(a)(7) of the INA (8 USC 1153(a)(7));
 - 4) persons admitted as refugees by application after March 31, 1980, under Section 207(c) of the INA (8 USC 1157(c)(1));
 - 5) persons who became blind or disabled, as defined by the Social Security Administration in 20 CFR 416.904, after entering the United States;
 - 6) persons whose deportation is being withheld under Section 243(h) of the INA (8 USC 1253(h)); and
 - 7) MANG applicants and recipients.
- c) Certain amounts of the income and assets of a sponsor and of a sponsor's spouse, if they live together, are deemed to be available unearned income and/or assets of the individual non-citizen applying for or receiving RABD MAG assistance if:
- 1) the sponsor signed an Affidavit of Support or a similar agreement assuring that the non-citizen would not become a public charge;
 - 2) assuming that the non-citizen has been a resident of the United States for less than three years;
 - 3) the sponsor is not a recipient of TANF, SSI, or SSP; and
 - 4) the non-citizen is not a child or spouse of the sponsor.
- d) A sponsor is an individual, private organization or agency, or public organization or agency.
- e) The Department shall count the sponsor's spouse's income and assets even if the sponsor and spouse married after the agreement to support was signed.
- f) The sponsor, if found able to support the non-citizen wholly or partially, is liable for the needs of the individual non-citizen only. The sponsor is not responsible for the needs of the spouse or child or children of the non-citizen if he or she did not sponsor them.
- g) If two or more non-citizens applying for assistance are sponsored by the same sponsor, the income of the sponsor is deemed available and is divided equally among the non-citizens.
- h) The Department shall determine the sponsor's liability to support the non-citizen as follows:
- 1) Determination of Sponsor's Available Income.
 - A) The Department shall disregard 20 percent, not to exceed \$175, of the earned income of the sponsor or of the sponsor and sponsor's spouse if they live together. This includes net earnings from self-employment, allowing business expenses incurred in the production of self-employment income.
 - B) The Department shall add the unearned income of the sponsor and spouse if they live together.
 - C) If the sponsor's children are living with the sponsor, the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Department shall deduct the income of the sponsor and the sponsor's spouse and family from 3 times the applicable TANF cash payment ~~the appropriate Federal poverty level as defined in 89 Ill. Adm. Code 112.155(b)~~. The sponsor and other individuals living with the sponsor who are claimed as federal tax dependents are included.

D) If the sponsor and the sponsor's spouse have no dependent children living with them, the Department shall deduct the income from the appropriate AABD Assistance Standard (see Section 113.245).

E) The Department shall deduct from income:

i) any amount paid to individuals outside the home whom the sponsor claims as federal tax dependents; and
ii) any alimony or child support paid to individuals not living with the sponsor.

F) Any remaining income is applied to the needs of the non-citizen.

2) Determination of the Total Amount of Assets of the Sponsor and Sponsor's Spouse.

A) The asset disregard for a sponsor of a non-citizen is \$2,000; for a sponsor and spouse residing together, \$3,000; and for a sponsor living with two or more dependent family members, \$3,000 for the sponsor and one dependent plus \$50 for each additional dependent.

B) The same assets are exempt as for an AABD case (see Section 113.141).

(Source: Amended at 23 Ill. Reg. 13852, effective NOV 19 1999)

Section 113.260 Sheltered Care Rates

Group II Counties	Needs Assessment	Group III Counties
\$ 809.55740-55	0-7	\$ 821.55730-55
814.55723-55	8	827.55736-55
819.55728-55	9	833.55742-55
824.55733-55	10	839.55748-55
829.55738-55	11	845.55754-55
834.55743-55	12	851.55760-55
839.55748-55	13	857.55766-55
844.55753-55	14	863.55772-55
849.55758-55	15	869.55778-55
854.55763-55	16	875.55784-55
859.55768-55	17	881.55790-55
864.55773-55	18	887.55796-55
869.55778-55	19	893.55802-55

DEPARTMENT OF HUMAN SERVICES

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874.55783-55	20	899.55808-55
879.55788-55	21	905.55814-55
884.55793-55	22	911.55820-55
889.55798-55	23	917.55826-55
894.55803-55	24	923.55832-55

a) Group II Counties are counties other than Cook, DuPage, Kane, Lake and Will.
b) Group III Counties are Cook, DuPage, Kane, Lake and Will.
c) Rate includes shelter factor and approved activity and social rehabilitation programs.

AGENCY NOTE: See 89 Ill. Adm. Code 140.850 through 140.885 for needs assessment guidelines.

(Source: Amended at 23 Ill. Reg. 13852, effective NOV 19 1999)

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Assistance
- 2) Code Citation: 89 Ill. Adm. Code 114
- 3) Section Numbers: 114.408
Adopted Action: Amendment
- 4) Statutory Authority: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13].
- 5) Effective Date of Rulemaking: November 19, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 30, 1999 (23 Ill. Reg. 8577)
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: No changes were made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency amendment currently in effect? Yes
- 14) Are there any amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation
114.210 Amendment 23 Ill. Reg. 12048

15) Summary and Purpose of Rulemaking: These amendments align the determination of liability of sponsors of non-citizens with the change to eliminate the use of the federal poverty level as an eligibility test for TANF. For the determination of liability of sponsors of non-citizens, the Department will use 3 times the payment level in lieu of the federal poverty level. This change closely replicates the use of Work Pays budgeting, that is, exempting 2 out of 3 dollars earned. It is easy to understand for clients and staff.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

Companion amendments are also being adopted in 89 Ill. Adm. Code 112 and 113.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Mrs. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
217/785-9772

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section	
114.1	Description of the Assistance Program
114.2	Determination of Not Employable
114.3	Advocacy Program for Persons Receiving State Transitional Assistance
114.5	Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
114.9	Client Cooperation
114.10	Citizenship
114.20	Residence
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114.113	Project Advance Good Cause for Failure to Comply (Repealed)
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114.124	Employment and Training Participation/Cooperation Requirements (Repealed)
114.125	Employment and Training Program Orientation (Repealed)
114.126	Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)
114.127	Employment and Training Program Components (Repealed)
114.128	Employment and Training Sanctions (Repealed)
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 114.504 Duration of Eligibility for Transitional Child Care (Repealed)
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 114.514 Child Care Overpayments and Recoveries (Repealed)
 114.516 Fees for Service for Transitional Child Care (Repealed)
 114.518 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (305 ILCS 5/Art. VI and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 37, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 531, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at

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5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14743; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg.

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10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20885, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amendment at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective

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November 13, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18815, effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January 15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 3639, effective February 26, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 6814, effective April 21, 1993; emergency amendment at 17 Ill. Reg. 19728, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3436, effective February 28, 1994; amended at 18 Ill. Reg. 7390, effective April 29, 1994; amended at 18 Ill. Reg. 12839, effective August 5, 1994; emergency amendment at 19 Ill. Reg. 8434, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15058, effective October 17, 1995; emergency amendment at 20 Ill. Reg. 445, effective February 28, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9370, effective July 10, 1996; emergency amendment at 21 Ill. Reg. 682, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7413, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8652, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15545, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 16356, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19820, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 588, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1619, effective January 20, 1999; amendment at 23 Ill. Reg. 6067, effective May 4, 1999; amended at 23 Ill. Reg. 6434, effective May 15, 1999; amendment at 23 Ill. Reg. 6948, effective May 30, 1999; emergency amendment at 23 Ill. Reg. 8661, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13863, effective NOV 9 1999.

SUBPART G: OTHER PROVISIONS

Section 114.408 Responsibility of Sponsors of Non-citizens Entering the Country On or After 8/22/96

- a) This Section applies to all non-citizens who entered the country on or after August 22, 1996, and whose sponsors signed an Affidavit of Support under Section 213A of the Immigration and Nationality Act (INA) (8 USC 1183A).
- b) This Section applies to all non-citizens except the following:
 - 1) persons granted asylum by the U.S. Attorney General under Section 208 of the INA (8 USC 1158);
 - 2) persons admitted as Cuban or Haitian entrants;
 - 3) persons admitted as refugees by application after March 31, 1980, under Section 207 of the INA (8 USC 1157); and
 - 4) persons whose deportation is being withheld under Section 243(h) of the INA (8 USC 1253(h)).
- c) Certain amounts of the income and assets of a sponsor and of a sponsor's spouse, if they live together, are deemed to be available unearned income and/or assets of the individual non-citizen applying

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for or receiving General Assistance if:

- 1) the sponsor signed an Affidavit of Support under Section 213A of the INA (8 USC 1183A) assuring that the non-citizen would not become a public charge;
- 2) the sponsor is not a recipient of GA, TANE, SSI or SSP; and
- 3) the non-citizen is not a child or spouse of the sponsor.
- d) A sponsor is an individual, private organization or agency, or public organization or agency.
- e) The sponsor's spouse's income and assets will be counted even if the sponsor and spouse married after the agreement was signed.
- f) The sponsor, if found able to support the non-citizen wholly or partially, is liable for the needs of the individual non-citizen only. The sponsor is not responsible for the needs of the spouse or child or children of the non-citizen if he or she did not sponsor them.
- g) If two or more non-citizens applying for assistance are sponsored by the same sponsor, the income of the sponsor is deemed available and is divided equally among the non-citizens.
- h) The sponsor's income and assets available to meet the needs of the non-citizen are determined in the following manner:
 - 1) Determination of Available Sponsor's Income
 - A) The Department shall disregard 20 %, not to exceed \$175, of the earned income of the sponsor or of the sponsor and sponsor's spouse if they live together. This includes net earnings from self-employment, allowing business expenses incurred in the production of self-employment income.
 - B) The Department shall add the unearned income of the sponsor and spouse if they live together.
 - C) The Department shall deduct 3 times the appropriate TANF cash payment ~~federal-poverty level--as-defined--in--89--1117~~ ~~Adm--Code--112-155(b)(7)~~ for the size of the sponsor's family unit. This includes the sponsor and other individuals living with the sponsor who are claimed as federal tax dependents.
 - D) The Department shall deduct any amount paid to individuals outside the home whom the sponsor claims as federal tax dependents.
 - E) The Department shall subtract any alimony or child support paid to individuals not living with the sponsor.
 - 2) Any remaining income is applied to the needs of the non-citizen.
 - 3) Determination of Sponsor's Assets
 - A) The asset disregard for a sponsor of a non-citizen is \$1500. The same assets are exempt for a GA case as provided in Section 114.251.
 - i) If nonexempt assets are more than the \$1500 disregard, the amount over the disregard shall be considered as available to the non-citizen.
 - j) The sponsor's income and assets shall be deemed available to meet the needs of the non-citizen until the non-citizen is naturalized or has worked 40 qualifying quarters of coverage as specified in Section 421

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of the Personal Responsibility and Work Opportunities Reconciliation Act of 1996.

(Source: Amended at 23 Ill. Reg. 13863, effective
N/V 1999)

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- 1) Heading of the Part: Program Description
- 2) Code Citation: 89 Ill. Adm. Code 676
- 3) Section Numbers: Adopted Action:
676.30 Amended
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) Effective Date of Rulemaking: November 8, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 6, 1999, 23 Ill. Reg. 8742
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: This rulemaking revises this Part to change the definition of "legally Responsible Family Member". The new definition states that a parent is legally responsible for a child under age 18.
- 16) Information and questions regarding this adopted amendment shall be directed to: Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East, 3rd Fl.
Springfield, Illinois 62762 (217) 785-9772

The full text of adopted amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 676
PROGRAM DESCRIPTION

SUBPART A: GENERAL PROGRAM PROVISIONS

Section

676.10 Program Purpose and Types
676.20 General Program Accessibility
676.30 Definitions
676.40 Service Description

SUBPART B: CASE MANAGEMENT

Section

676.100 Case Files (Repealed)
676.110 Sharing of Customer Information Between HSP and Other DHS Programs
676.120 Documentation of Information
676.130 Customer Signatures and Information Required to Receive Services Under the HSP
676.140 Application by DHS-ORS Employees, Individuals Holding Contracts with DHS, DHS-ORS Advisory Council Members, Family Members of DHS-ORS Employees, or Close Friends of DHS-ORS Employees
676.150 Geographic Case Assignment

SUBPART C: VENDOR PAYMENT

Section

676.200 Vendor Payment
676.210 Reporting and Collection of Misspent Funds

SUBPART D: REFERRAL TO DEPARTMENT ON AGING (DOA)

Section

676.300 Criteria for Referral to DoA
676.310 Disposition of Cases not Appropriate for Referral to DoA

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5095, effective March 21, 1995; amended at 20 Ill. Reg. 6315, effective April 18, 1996; amended at 21 Ill. Reg. 2678, effective February 7, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325, amended at 22 Ill. Reg. 19563, effective October 23, 1998; amended at 23 Ill. Reg. 6445,

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effective May 17, 1999; amended at 23 Ill. Reg. 13874, effective
NIV - 8 1999

SUBPART A: GENERAL PROGRAM PROVISIONS

Section 676.30 Definitions

For the purposes of this Subchapter, unless otherwise stated, the following terms shall have the following meanings.

- a) Activities of Daily Living (ADLs) - those tasks an individual must do, or which an individual must have provided for him/her, in order to prevent institutionalization (i.e., bathing, dressing, shopping, cooking, housekeeping, etc.).
- b) Customer - anyone who:

- 1) has been referred to HSP for a determination of eligibility for services;
- 2) has applied for services through HSP;
- 3) is receiving services through HSP; or
- 4) has received services through HSP.

If the customer is unable to satisfy any of his/her obligations under the HSP, including, without limitation, the obligation to serve as the employer of the PA, the customer's parent, family member, guardian, or duly authorized representative may act on behalf of the customer and is included within the definition of "customer", as used throughout this Part.

For purposes of the PA services performed pursuant to the HSP, the customer shall serve as the employer of the PA. In this capacity, the customer is responsible for controlling all aspects of the employment relationship between the customer and the PA, including, without limitation, locating and hiring the PA, training the PA, directing, evaluating and otherwise supervising the work performed by the PA, imposing (where, in the opinion of the customer, it is appropriate or necessary) disciplinary action against the PA, and terminating the employment relationship between the customer and the PA.

- c) Counselor - the DHS-ORS staff person or contractual Case Manager who helps to ensure that the funds available under the HSP are properly distributed in accordance with the Service Plan, any applicable waiver programs, and all applicable laws.

- d) Determination of Need (DON) - the assessment tool used to determine an individual's non-financial eligibility for HSP services based on the individual's impairment and need for care. This form measures the level of risk of institutionalization for the individual.

- e) DHS - Illinois Department of Human Services.

- f) DPA - Illinois Department of Public Aid.

- g) Family - any one related by blood, marriage, or adoption to the individual seeking services through HSP or anyone with whom the individual has a close inter-personal relationship and who resides

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with the individual.

h) Family Unit - for the purposes of determining financial eligibility, the number of persons derived when counting the individual seeking services through HSP and the number of persons in the household who are legally responsible for the individual seeking services and for whom the individual seeking services is legally responsible.

i) HCFA - the Federal Health Care Financing Administration.

j) Home Services Program (HSP) - a State and federally funded program designed to allow Illinois residents, who are at risk of unnecessary or premature institutionalization, to receive necessary care and services in their homes, as opposed to being placed in an institution.

k) Home - a private residence where the customer lives which is not an intermediate care or skilled nursing facility as defined at 77 Ill. Adm. Code 300, or a residential program operated by, or for which

funding is provided by, the Illinois Department of Human Services, Office of Mental Health and Office of Developmental Disabilities as

defined at 59 Ill. Adm. Code 120. For the purpose of this Subchapter, the term "home" shall include domestic violence shelters as defined in

Section 11(c) of the Domestic Violence Shelter Act (20 ILCS 2210/(c)).

l) Intermediate Care Facility (ICF) - a nursing facility that provides regular health related care to its residents, as well as those

services necessary for safe and adequate living.

m) Legally Responsible Family Member - a spouse, parent of a child who is under age 18, 20--years--of--age--or--under, or a legal guardian of an

individual who is under age 18.

n) Medicaid - the Medicaid program administered by DPA under the Public Aid Code (305 ILCS 5/11).

o) Medicaid Waiver - the waiver allowing HSP to claim federal reimbursement for approved levels of in-home care for individuals who would otherwise be placed in institutions for such care. The Medicaid

Waiver is overseen at the federal level by HCFA.

p) Personal Assistant (PA) - an individual employed by the customer to provide through HSP varied services that have been approved by the

customer's physician.

q) Personal Assistant Backup Plan - the plan developed by the customer and designed to ensure that the customer receives the necessary care

and services under the HSP in the event that his/her regular PA is unavailable or unwilling to perform his/her obligations under the HSP.

The customer is responsible for designating the backup personal assistant.

r) Physician - a licensed doctor of medicine (M.D.) or doctor of

osteopathy (D.O.) licensed pursuant to the Medical Practice Act (225

ILCS 60).

s) Prescreening - an assessment to determine an individual's need for

institutional care at the ICF or SNF level care, to ensure Medicaid

payment for such a placement is appropriate, and the assessment as to

whether or not HSP services are an appropriate alternative to

institutional care for the individual.

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t) Service Cost Maximum (SCM) - the maximum monthly amount which may be expended for HSP services for an eligible individual. This amount is determined based on the individual's DON score and the specific programmatic component of HSP through which the individual is being served.

u) Service Plan - specifically, the Home Services Program Service Plan (IL 488-1049), Home Services Program Service Plan Addendum (IL 488-1050) or the Interim Agreement (IL 488-2344) forms, on which all

services to be provided to an individual through HSP are listed.

v) Services - the necessary tasks provided to an individual, in one or more of the areas listed in Section 676.40 and listed on the individual's Service Plan, through HSP with the intent of preventing

the unnecessary institutionalization of the individual.

w) Skilled Nursing Facility (SNF) - a facility that provides regular and on-going nursing level care to its residents due to the residents' medical conditions, as well as those services necessary for safe and

adequate living.

(Source: Amended at 23 Ill. Reg. 13874, effective November 8, 1999)

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- 1) Heading of the Part: Substance Alcoholism and Substance Abuse Treatment Services
- 2) Code Citation: 77 Ill. Adm. Code 2090
- 3) Section Numbers: Adopted Action:
 2090.10 Amended
 2090.20 Amended
 2090.30 Amended
 2090.35 Amended
 2090.40 Amended
 2090.70 Amended
 2090.80 Amended
 2090.100 Amended
- 4) Statutory Authority: Implementing and Authorized by Section 5-10 of the Alcoholism and other Drug Abuse and Dependency Act [20 ILCS 301/5-10].
- 5) Effective Date of Amendments: November 4, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: August 6, 1999, 23 Ill. Reg. 8748

- 10) Has JCAR Issued a Statement of Objections to this rulemaking? JCAR objected to the emergency filing because of material removed from Section 2090.35(c). This material was added back to the rulemaking as a Second Notice change, and JCAR issued a letter of no objection.

- 11) Differences between proposal and final version:

In Section 2090.35, included the previously stricken material in (c)(11), (2) and (3):

- 1) The provider shall report, on a monthly basis, demographic and service system data using the Department's Automated Reporting and Tracking System (DARTS). The data collected shall be for the purpose of assessing individual client performance and for planning for future service development. Information to be reported by the provider, for each individual served by a program certified under Section 2090.90 of this Part, shall include but is not limited to the

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- following:
- A) Name, date of birth, gender, race and national origin, family size, income level, marital status, residential address, employment, education and referral source.
 - B) Special population designation, such as Medicaid eligible clients, women with dependent children, intravenous drug users (IVDUs), DCFS clients, DHS clients, and criminal justice clients.
 - C) Drug/alcohol problem areas treated, characterized by drugs of use, frequency of use, and medical diagnosis.
 - D) Closing date information, such as the reason for discharging the client from the program.
- 2) The Department shall supply providers with DARTS software.
 - 3) Disclosure of information contained within DARTS is governed by the specific provisions of federal regulations under Confidentiality of Alcohol and Drug Abuse Patient Records (42 CFR 2 (1997)).

In Section 2090.35 (c), removed the following:
 "The provider shall submit billings using the Department's Automated Reporting and Tracking System (DARTS) or another software system accepted by the Department. The DARTS system shall be supplied free of charge to all providers."

In section 2090.40 (c)(5), added after "occur," the following: "Such service shall occur in a Medicaid enrolled hospital subacute setting or....."

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this amendment replace an emergency amendment currently in effect? Yes

- 14) Are there any amendments pending on this Part: No

- 15) Summary and Purpose of Amendments: This rulemaking adds medically monitored detoxification as a covered service under Medicaid. By adding this service, the Department will make this service available to other non-Medicaid eligible clients. This will allow these individuals to receive immediate care for their alcoholism and/or other drug impairment. The rulemaking also changes the rate of payment for Level II services (intensive outpatient) to make the reimbursement method similar to the Level I services.

- 16) Information and questions regarding these adopted amendments shall be directed to:

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Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

The full text of adopted amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER 9: MEDICAID PROGRAM STANDARDS

PART 2090

SUBACUTE ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT SERVICES

Section	Purpose
2090.10	Definitions
2090.20	Medicaid Certification/Enrollment/Recertification
2090.30	General Requirements
2090.35	Reimbursable Services
2090.40	Quality Improvement
2090.50	Client Records
2090.60	Rate Setting
2090.70	Rate Appeals
2090.80	Inspections
2090.100	Sanctions for Non-Compliance/Audits
2090.105	Inspections (Renumbered)
2090.110	Sanctions for Non-Compliance (Renumbered)

AUTHORITY: Implementing and authorized by Section 5-10 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/5-10].

SOURCE: Adopted at 11 Ill. Reg. 2236, effective January 14, 1987; emergency amendments at 12 Ill. Reg. 11273, effective June 30, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 20061, effective November 26, 1988; emergency amendments at 15 Ill. Reg. 10222, effective June 25, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16662, effective November 1, 1991; amended at 16 Ill. Reg. 11807, effective July 14, 1992; amended at 18 Ill. Reg. 14223, effective September 2, 1994; amended at 19 Ill. Reg. 9411, effective July 1, 1995; amended at 19 Ill. Reg. 10454, effective August 30, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 12489, effective January 27, 1997; recodified from the Department of Alcoholism and Substance Abuse to the Department of Human Services at 21 Ill. Reg. 9319; emergency amendment at 21 Ill. Reg. 14087, effective October 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 5895, effective March 13, 1998; emergency amendment at 22 Ill. Reg. 12189, effective June 24, 1998, for a maximum of 150 days; emergency expired November 21, 1998; amended at 22 Ill. Reg. 22403, effective December 8, 1998; emergency amendments at 23 Ill. Reg. 8832, effective July 23, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13069, effective NOV-4-1999.

Section 2090.10 Purpose

- a) The requirements set forth in this Part establish criteria for participation by subacute alcoholism and other drug abuse treatment

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~~for the purpose of offering the discharged client continuing assistance as necessary to maintain and improve upon the clinical goals achieved during treatment.~~

~~"Physician": A person who is licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60].~~

~~"Professional Staff": Any person who provides clinical services as defined in 77 Ill. Adm. Code 2060 and who meets the requirements for professional staff as specified in 77 Ill. Adm. Code 2060.309. Professional staff may also be a person determined to be appropriate to deliver the clinical services provided, in accordance with 77 Ill. Adm. Code 250, Subpart W.~~

~~"Provider": Any public or private agency, organization, or institution, or unit of State or local government or other legal entity licensed to deliver alcoholism or other drug abuse services according to the requirements specified in 77 Ill. Adm. Code 2060 and enrolled to provide treatment services under the Illinois Medical Assistance Program.~~

~~"Psychiatrist": A person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60] and who meets the requirements of Section 1-121 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-121].~~

~~"Subacute": The level of care necessary to effectively treat an alcohol and/or other drug abuser's dependency on a chemical without the more intensive measures designed to treat primary medical conditions in an acute care setting (e.g., inpatient hospitalization). Subacute care may be delivered in a facility licensed under the rules for Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill. Adm. Code 2060) or in a hospital, either of which is certified according to Section 2090.30 for purposes of Medicaid reimbursed alcoholism and/or other drug abuse services.~~

~~"Treatment Plan": An individually written plan for a client which identifies the treatment goals and objectives based upon a clinical assessment of the client's individual problems, needs, strengths and weaknesses.~~

~~"Under the direction of a physician": Treatment services provided under the direct supervision of a physician who is on staff and continuously directs the provision of care.~~

(Source: Amended at 23 Ill. Reg. 13879, effective NOV -4 1989)

- programs in the Illinois Medical Assistance Program operated by the Illinois Department of Public Aid (IDPA) (89-III-Adm-Code-148-3487.
- b) The Department of Human Services (the Department), acting on behalf of IDPA the Department of Public Aid shall certify the eligibility of applicants for participation who meet these requirements.
 - c) These requirements are in addition to licensure standards established in 77 Ill. Adm. Code 250- (Hospital Licensing Requirements) and 77 Ill. Adm. Code 2060 (Alcoholism and Substance Abuse Treatment and Intervention Licenses), and are for the purpose of assuring that Medicaid recipients shall receive quality services in accordance with 42 CFR 440 and 456.
 - d) These requirements shall be used by the Department for certification, recertification, and periodic inspection of providers participating in the Medical Assistance Program.
 - e) In addition to the duties of the Department above, the Department shall also allocate monies within its budget, which shall be for the purpose of reimbursement to certified providers for Medicaid eligible services, as described in this Part, herein on behalf of the Illinois Department of Public Aid-IDPA. The Department shall, together with and by agreement with IDPA, provide for such reimbursement out of such funds.

(Source: Amended at 23 Ill. Reg. 13879, effective NOV -4 1989)

Section 2090.20 Definitions

The following definitions shall apply to this Part:

"Adolescent": A person who is at least twelve years of age and under eighteen years of age.

"Benefit Year": The State fiscal year.

"Client": Any person who is eligible to receive services under one of the following categories: Aged, Blind, and Disabled (AABD); Temporary Assistance for Needy Families (TANF); Medical Assistance, No Grant (MANG); Refugee Repatriate Program (RRP); Title XIX eligible Department of Children and Family Services (DCFS) wards; and persons under the age of eighteen who would qualify for TANF but do not qualify as dependent children pursuant to 89 Ill. Adm. Code 140-7.

"Department": The Illinois Department of Human Services.

"Follow-up": A scheduled provider contact with a former client that occurs after the client has been discharged, has been previously specified in the client's treatment and continuing care plan, and occurs for a period of time and at specified intervals. Follow-up is

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Section 2090.30 Medicaid Certification/Enrollment/Recertification

a) Providers may be certified and recertified by the Department as set forth herein and may enroll for participation in the Illinois Medical Assistance Program as provided in 89 Ill. Adm. Code 148.340(d). Application for Medicaid certification and enrollment for alcoholism and other drug abuse treatment service providers may be made by providers who are:

- 1) Currently licensed by the Department under the provisions of 77 Ill. Adm. Code 2060 for alcoholism and other drug abuse treatment services described in 77 Ill. Adm. Code 2060.
- 2) Currently licensed by the Illinois Department of Public Health as a hospital pursuant to 77 Ill. Adm. Code 250 for the treatment services described in 77 Ill. Adm. Code 250.

b) Medicaid Certifications

- 1) Applications for certification may be obtained in person or by writing to:

Illinois Department of Human Services
100 W. Randolph, Suite 5-600 #60-N-Basalter-Suite-N700
Chicago, Illinois 60601
Attention: Division of Licensing and Certification Monitoring
†317-814-4718
†317-419-0432-7PB

or

Illinois Department of Human Services
222-S-Gallagher-2nd-Floor
Springfield, Illinois-62704
Attention: Division of Licensing and Monitoring
†317-782-0665
†317-524-5103-7PB

- 2) Applicants for new certification will be accepted from programs or parent organizations of such programs which have been licensed as specified in this Section for at least two years. Applicants shall demonstrate two years of experience in providing quality substance abuse services of the kind for which certification is being requested and for the type of population which will be served.

3) Applicants shall submit documentation of the following:

- A) Evidence of the need within the community for the type of services to be provided by the program for which certification is sought;
- B) Description of the organization that will be operating the program;
- C) Fiscal solvency of the organization;

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- D) Description of the physical facilities to be utilized by the program;
 - E) Description of the program and the clientele it serves;
 - F) Projection of the total number of Medicaid clients to be served each month, the average length of stay anticipated, and the estimated average per person cost of treatment;
 - G) Schedule of the specific dates, times and places services will be provided;
 - H) Number and type of people served during the previous two years in the program for which certification is sought and a description of the people served (demographics, gender, drug of choice, Medicaid eligibility, income level, etc.);
 - I) Name, address and professional qualifications of the program's Medical Director;
 - J) Name and qualifications of each individual who will be staffing the program and a description of that individual's responsibilities with respect to the program;
 - K) Copies of written referral agreements with other social service systems and primary medical care service systems within the applicant's area;
 - L) Copies of linkage agreements with other substance abuse treatment programs within the applicant's area implemented to assure availability of all levels of care as required in 77 Ill. Adm. Code 2060;
 - M) Documentation of the program's quality assurance system and utilization review policy as applied to the program's clinical standards which have been used for the previous two years, with a copy of the two most recent utilization review reports; and
 - N) Measurable outcome evaluation process used for the past two years and statistics on the program's client outcomes.
- 4) Applicants ~~who receive funding from the Department~~ shall submit evidence that they are in compliance with all applicable Department audit requirements as specified in 89 Ill. Adm. Code 507.20397, Subparts B and 6, and Sections 2030-710 and 2030-745. Applicants ~~who do not receive funding from the Department~~ shall submit copies of the two previous years' annual audits ~~according to the standards established in 89 Ill. Adm. Code 507 and two copies of the statistical and financial data submitted in a format required by the Department in 77 Ill. Adm. Code 2030-710.~~
- 5) Applications which are missing significant components or which have inadequate information shall be returned to the applicant with a statement specifying the missing or inadequate information. Completed applications may be resubmitted. Applications which are missing less significant components may be held by the Department and the applicant notified in writing of the missing information. The applicant may submit only the

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missing components. The Department shall hold such incomplete applications no more than 30 calendar days.

6) Certification is site-specific and services are to be provided on-site, unless they are provided in accordance with the off-site service provisions as set forth in 77 Ill. Adm. Code 2060.203.

7) Sites providing 24 hours of services to clients and having more than 16 beds shall not be certified for Medicaid enrollment for other than adolescent residential rehabilitation services.

8) In order to receive certification for a site having 16 beds or less, a program must meet the following criteria:

- A) be a free-standing program of 16 or fewer beds; or
- B) be within a larger facility, as a distinct unit of 16 beds or less, which:

- i) is licensed;
- ii) is physically separate from other certified and licensed programs (for example, separated by floors, wings or other building sections);
- iii) provides a level of care significantly different in clinical content from other certified and licensed programs (for example, adult versus adolescent care, women versus men, hearing impaired versus non-impaired);
- iv) has a separate cost center (budgeting, accounting, etc.);
- v) has separate staffing; and
- vi) has separate operating policies and procedures.

9) Prior to certification, the Department shall conduct an on-site inspection.

10) Based upon the on-site inspection and a review of the application for certification, the Department will certify the program if the Department determines that:

- A) the applicant has proven that an unmet need for the services exists in the community the program will serve;
- B) the organization operating the program is fiscally sound and responsible;
- C) the program management is experienced in business and in the delivery of substance abuse services;
- D) the program has sufficient written agreements with social, medical and other substance abuse service providers within its area to assure proper linkage of services to an individual;
- E) the program has experience with the Medicaid eligible population it intends to serve;
- F) the program has adequate physical facilities and adequate numbers of professional staff to provide the services;
- G) the program conducts utilization review and has a quality improvement plan; and
- H) the program has a measurable outcome evaluation process in

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place that provides measurable indicators of improvement by program participants.

11) The Department shall notify the applicant in writing of its determination regarding certification.

- A) Approval of Certification/Medicaid Enrollment
If the Department certifies the program, it shall include the ~~Department-of-Public-Hldg~~ IDPA Medicaid enrollment forms with the letter of certification. The applicant shall submit the completed enrollment forms along with a copy of the letter of certification to IDPA. However, providers who have applied for hospital licensure for the first time and hold a provisional hospital license for treatment services are not eligible to apply for Medicaid enrollment for those treatment services.

B) Denial of Certification

If the Department is not able to certify the program based on the criteria outlined in this Section, the Department shall notify the applicant in writing, describing those deficiencies that will result in a denial of certification. The applicant has 60 days after receipt of the notice to correct the deficiencies and supply the new information to the Department. If the new information indicates that the program meets the criteria of this Part, the Department shall certify the applicant. If the program continues to fail to meet the requirements of this Part, the Department shall deny the application for certification. If certification is denied, the applicant may appeal the Department's decision and request a hearing pursuant to 89 Ill. Adm. Code 101 Subpart C (Medical Vendor Hearings). 77

~~Ill. Adm. Code 2060.203 (Rules-of-Practice-and-Procedure-in-Administrative-Hearings).~~

12) Certification shall be effective on the date of approval by the Department and shall remain in effect until the expiration of the provider's license as required in this Section or for three years for any provider not licensed by the Department. Certification is also subject to any sanctions levied under Section 2090.100 of this Part. After the effective date of certification, the provider may deliver services to Medicaid recipients that will be reimbursable after the applicant completes the IDPA Medicaid enrollment procedure.

13) When and if a certified provider is no longer licensed as set forth in this Section (whether voluntarily or involuntarily) the certification shall be null and void. Upon proof by the Department's licensing division that the license is no longer in effect, the Department shall notify the provider by certified mail that certification is null and void.

14) Recertification

- A) To be eligible for recertification, providers shall be in

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compliance with all Sections of 77 Ill. Adm. Code 2060 referenced in this Part.

- B) To be eligible for recertification, providers who receive funding from the Department shall be in compliance with all applicable Department audit requirements specified in 89 77 Ill. Adm. Code 507 26367--Supparts--B and G and Sections 263674b and 2636746. Providers who do not receive funding from the Department shall submit one copy of an annual audit during the previous certification period according to the standards established in 89 77 Ill. Adm. Code 5077 and two copies of statistical and financial data submitted on forms required by the Department.

- C) Providers shall apply for recertification at least 90 days prior to the expiration of the provider license.

- D) Providers shall submit a recertification application provided by the Department. In addition, the provider shall submit copies of all utilization review (UR) reports and results of the program's measured outcome evaluations since the date of last inspection.

- E) The Department shall review all documents and the results of the last licensure inspection and shall recertify the program if it complies with the requirements of the Alcoholism and Other Drug Abuse and Dependency Act and this Part.

15) Denial of Recertification

If the Department is not able to recertify the program based on its review and inspection, the Department shall notify the applicant in writing, describing those deficiencies that will result in a denial of recertification. The applicant has 30 days after receipt of the notice to correct the deficiencies and supply the new information to the Department. If the new information indicates that the program meets the criteria of this Part, the Department shall recertify the program. If the program continues to fail to meet the requirements of this Part, the Department shall deny the application for recertification and shall notify the applicant in writing, giving the reasons for the denial. The provider may appeal the Department's decision and request a hearing pursuant to 89 77 Ill. Adm. Code 104: Subpart C (Medical Vendor Hearings). 2008--Rules-of-Practice-and-Procedure (Administrative-Hearings). Certification shall remain in effect pending the Department's final decision on recertification unless the provider is sanctioned pursuant to Section 2090.100 of this Part. When the denial of recertification is final, the provider shall arrange for transfer of all Medicaid clients of the program as appropriate.

(Source: Amended 23 Ill. Reg. 13879, effective Nov-1-1999)

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Section 2090.35 General Requirements

- a) To be reimbursable, treatment services shall be provided in compliance with all provisions specified in 77 Ill. Adm. Code 2060. Specifically, physician and professional staff involvement in treatment services shall be in compliance with 77 Ill. Adm. Code 2060.417, 2060.419, 2060.421, 2060.423 and 2060.425. The provider shall only bill for services that are reimbursable.

- b) The provider shall submit Medicaid claims on a timely basis--claims shall be submitted as soon after the service date as is reasonable unless there is good cause for later submission. In any event, all a-crean claims claim for a services (both initial and previously rejected) must be service provided within a State fiscal year--is not submitted to the State on a timely enough basis to be paid within the State fiscal year--the provider must pursue reimbursement through the court of claims--claims submitted later than 12 months from the date of service shall not be reimbursed by the State. If such claims are not submitted within this time frame, the provider may request an exception from the Department and IDPA to allow these claims to be processed. Exceptions will only be granted if it is determined that the delay in submission was due to Department or IDPA processing errors. The provider shall only bill for services which are reimbursable.

c) Information Collection

- 1) The provider shall report, on a monthly basis, demographic and service system data using the Department's Automated Reporting and Tracking System (DARTS). The data collected shall be for the purpose of assessing individual client performance and for planning for future service development. Information to be reported by the provider, for each individual served by a program certified under Section 2090.90 of this Part, shall include but is not limited to the following:

- Name, date of birth, gender, race and national origin, family size, income level, marital status, residential address, employment, education and referral source.
 - Special population designation, such as Medicaid eligible clients, women with dependent children, intravenous drug users (IVDUs), DCFS clients, DHS clients, and criminal justice clients.
 - Drug/alcohol problem areas treated, characterized by drugs of use, frequency of use, and medical diagnosis.
 - Closing date information, such as the reason for discharging the client from the program.
- The Department shall supply providers with DARTS software.
 - Disclosure of information contained within DARTS is governed by the specific provisions of federal regulations under Confidentiality of Alcohol and Drug Abuse Patient Records (42 CFR 2 (1997)).

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- d) The reimbursement limits herein shall not be applied in situations where to do so would deny an eligible individual under age 21 from receiving "early and periodic screening, diagnostic and treatment services" (EPSDT) as defined in 42 USC 1396d(f). Services as set forth in this Part shall be reimbursed to an eligible individual under age 21 for as long as the services are clinically necessary pursuant to review which is consistent with subsection (a) of this Section.
- e) The reimbursement limits herein shall not be applied where to do so would deny services to a pregnant woman that have been determined to be clinically necessary pursuant to review which is consistent with subsection (a). This exemption from the limits exists during the pregnancy and through the end of the month in which the 60-day period following termination of the pregnancy ends (post partum period), or until the services are no longer clinically necessary, whichever comes first. This exemption shall not apply to a woman who enters treatment services after delivery.
- f) The provider shall not be reimbursed for services delivered in more than one Medicaid covered substate alcoholism or other drug abuse level of care per client per day except for ancillary psychiatric diagnostic services.
- g) Group treatment in Level I and II care shall be reimbursed only for up to 12 clients per group that are supported by any type of Department contract funding.

(Source: Amended NOV - 4 1999)

at	23	Ill.	Reg.	13879	effective
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Section 2090.40 Reimbursable Services

- | | |
|--|---|
| a) Level I: (formerly Outpatient Services) | |
| 1) Definition | The provision of treatment services as defined in 77 Ill. Adm. Code 2060.401(b). |
| 2) Reimbursement | Level I treatment services delivered to clients are medical-reimbursable via the prospective rates in effect as of the date of service (89 Ill. Adm. Code 148.370). Medicaid claims are submitted to the Department and shall meet the requirements of IDPA rules for alcoholism and substance abuse treatment programs (89 Ill. Adm. Code 148.340 through 148.370). The billable outpatient unit of service is a client hour defined as face-to-face counseling with a diagnosed client in an individual or group-or-family setting. Reimbursement shall occur by a fee-for-service mechanism, using one client hour as the base unit of service, billable to the nearest quarter-hour. No more than 25 hours may be reimbursed for an eligible adult client per benefit year. |

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- b) Level II: (formerly Intensive Outpatient Services)
- 1) Definition
The provision of treatment services as defined in 77 Ill. Adm. Code 2060.401(c).
 - 2) Reimbursement
Level II ~~drug-free~~ treatment services delivered to clients are Medicaid reimbursable via the prospective rates in effect as of the date of service (89 Ill. Adm. Code 148.370). ~~Drug-free treatment-as-referenced-herein-is-that-which-does-not-include-the-use-of-Medation-or-sev-alphacetylmethadol--tbbm7r~~ Medicaid claims are submitted to the Department, and shall meet the requirements of IDPA rules for alcoholism and substance abuse programs (89 Ill. Adm. Code 148.340 through 148.370). The billable unit of service is a client hour defined as face-to-face counseling with a diagnosed client in an individual or group setting. Reimbursement shall occur by a fee-for-service mechanism, using one client hour as the base unit of service billable to the nearest quarter-hour. ~~Services-for-clients-enrolled-in-level-ii--intensive-outpatient-treatment-shall-not-be-reimbursed-under-the-provisions-for-level-i-outpatient-services~~ No more than 75 hours shall be reimbursed for an eligible adult client per benefit year.
- c) Level III: (formerly Inpatient/Residential Services)
- 1) Definition-Adolescent Residential Rehabilitation
The provision of treatment services as defined in 77 Ill. Adm. Code 2060.401(d). Such treatment shall be ~~drug-free~~ for adolescents on a scheduled-only residential basis in a Medicaid enrolled hospital subacute setting, or to adolescents in a psychiatric facility or an inpatient program in a psychiatric facility, either of which is accredited by the Joint Commission on Accreditation of Health Care Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181. ~~Drug-free-treatment-as-referenced-herein-is-that-which-does-not-include-the-use-of-Medation-or-sev-alphacetylmethadol--tbbm7r~~ ~~This-service-is-designed-to-reduce-or-eliminate-an-adolescent's-intake-of-alcohol-and/or-other-drugs~~ Adolescent residential rehabilitation must be delivered in accordance with an adolescent's individualized treatment plan recommended by a physician if in a hospital setting, and under the direction of a physician if in a psychiatric facility.
 - 2) Reimbursement
Adolescent residential rehabilitation treatment services delivered to clients are Medicaid reimbursable via the prospective rates in effect as of the date of service (89 Ill. Adm. Code 148.370). Medicaid claims are submitted to the Department and shall meet the requirements of IDPA rules for alcoholism and substance abuse treatment programs (89 Ill. Adm. Code 148.340 through 148.370). Reimbursement shall occur on a

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per diem basis. Services--in--an--adolescent--residential rehabilitation--program--with--over--16--beds--shall--not--be--reimbursed under--the--provisions--for--level--i--(outpatient)--or--level--ii (intensive-outpatient)--services.

3) Definition-Day Treatment

The provision of treatment services as defined in 77 Ill. Adm. Code 2060.401(d). The Drug-free treatment shall be services on a scheduled-only residential basis by a program licensed pursuant to 77 Ill. Adm. Code 2060 and certified as having 16 beds or fewer as specified in Section 2090.30 of this Part and excluding room and board, meals, night supervision of dormitory areas and other domiciliary support services. Drug-free--treatment--as referenced--herein--is--that--which--does--not--include--the--use--of Methadone--or--levo-naloxetyl-methadol--(LNA/ML). Treatment services may be provided to adults and adolescents.

Day-treatment services shall be reimbursed--at--an--all-inclusive per--diem--rate--as--set--forth--in--Section--2099.78(c)(4)--available upon--certification--of--the--facility--No--more--than--38--days--shall be--reimbursed--for--an--eligible--adult--client.

4) Reimbursement

Day treatment services delivered to clients are Medicaid reimbursable via the prospective rates in effect as of the date of service [89 Ill. Adm. Code 148.370]. Day treatment services shall be reimbursed at a per diem rate. No more than 30 days shall be reimbursed for an eligible adult client per benefit year.

5) Definition - Medically Monitored Detoxification

The provision of detoxification services as defined in 77 Ill. Adm. Code 2060.405(a). Such services shall occur in a Medicaid enrolled hospital subacute setting or in a residential program licensed pursuant to 77 Ill. Adm. Code 2060 and certified as having 16 beds or fewer as specified in Section 2090.30 of this Part, excluding room and board, meals, night supervision of dormitory areas and other domiciliary services. The treatment shall be for individuals 18 years or older (individuals who are 17 years old may be included provided that their assessment includes justification based on behavior and life experience).

6) Reimbursement

Medically monitored detoxification services delivered to clients are Medicaid reimbursable via the prospective rates in effect as of the date of service [89 Ill. Adm. Code 148.370]. Medicaid Claims are submitted to the Department and shall meet the requirements of IDPA rules for alcoholism and substance abuse treatment programs [89 Ill. Adm. Code 148.340 through 148.370]. Medically monitored detoxification shall be reimbursed at a per diem rate. No more than nine days shall be reimbursed for each eligible adult patient per benefit year.

d) Ancillary Psychiatric Diagnostic Services

- 1) Ancillary psychiatric diagnostic services are limited psychiatric evaluations to determine whether the client's primary condition is attributable to the effects of alcohol or drugs or to a diagnosed psychiatric or psychological disorder. Such an evaluation shall determine the client's primary condition and recommend appropriate treatment services.
- 2) Reimbursable psychiatric evaluations are limited to a psychiatric evaluation/examination of a client and the exchange of information with the primary physician and other informants such as nurses, counseling staff, or family members and the preparation of a report including psychiatric history, mental status, and diagnosis. This service shall be performed by a psychiatrist.
- 3) Reimbursable psychiatric evaluations may be delivered to clients admitted--to--level--ii--if--and--if--care--(adolescent--residential rehabilitation--or--day-treatment) where the need for such services is documented in the client's individualized treatment plan. Documentation of all such services shall be maintained in the client record.

- 4) Ancillary diagnostic services delivered to clients are Medicaid-reimbursable on a per-encounter basis at the practitioner's usual and customary charge, not to exceed the prevailing rate as established by IDPA pursuant to 89 Ill. Adm. Code 140.400.

(Source: Amended at 23 Ill. Reg. 13879, effective November 4, 1999)

Section 2090.70 Rate Setting

- a) The amount approved for payment for alcoholism and other drug abuse treatment is based on the category and amount of services required by and actually delivered to a client. The amount is determined in accordance with prospective rates developed by the Department and adopted by the Department of Public Aid. The adopted rate shall not exceed the charges to the general public.
- b) Rates--are--cost-based--and--are--established--annually--for--each--service--Gross--will--be--determined--based--upon--the--information--submitted--by--the provider--in--accordance--with--2099.90(e); Rates are generated through the application of formal methodologies specific to each reimbursable service as specified in Section 2090.40 of this Part.
- d) The provider--shall--not--be--reimbursed--for--more--than--one--Medicaid covered--subacute--alcoholism--or--other--drug--abuse--service--per--client--per--day--except--for--ancillary--services--which--may--be--reimbursed--in--addition to--one--of--the--other--Medicaid--covered--services.
- e) Level--i--(outpatient)--and--level--ii--(intensive-outpatient)--services--which--may--be--delivered--in--a--group--setting--shall--be--reimbursed--only

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for up-to-12-clients--supported-by Department-funding-(Medicaid-or other)
 f) Hospitals
 The Department shall establish rates with hospitals--delivering substance-services-who-are-certified-pursuant-to this-Part--Rates shall-be-based-on-the-reimbursable-services-in-Section-2090-40-of-this-Part-and-shall-be-subject-to-the-provisions-of-this-Section

(Source: Amended at 23 Ill. Reg. 13879, effective
 NIV-4 1999)

Section 2090.80 Rate Appeals

a) Providers may appeal their rates in writing within 30 calendar days of the postmark date of the rate notice.
 b) Appeals shall be submitted to the Department.
 c) The Department shall determine whether a reason for the appeal exists pursuant to subsection (d) of this Section and that the written appeal contains all elements required in subsection (e) of this Section. Further clarification of the information submitted may be requested of the provider. The Department shall forward a recommendation to IPPA within 60 calendar days of receipt of the appeal--IPPA shall make the final administrative decision based upon the appeal's conformity with this Part.

d) Rate appeals may be considered for the following reasons:

- 1) Mechanical or clerical errors committed by the provider in reporting historical expenses used in the calculation of allowable costs.
- 2) Mechanical or clerical errors committed by the Department in auditing historical expenses as reported and/or in calculating reimbursement rates.
- 3) The Department and the provider have entered into a written agreement to amend, alter, or modify substantive programmatic or management procedures attendant to the delivery of services, which have a substantial impact upon the costs of service delivery.
- 4) The Department alcoholism-or-other-drug-abuse-licensing-authority has amended the licensed capacity of a facility or treatment service.
- 5) The Department alcoholism-or-other-drug-abuse-licensing-authority requires substantial treatment service changes as a result of mandated licensure requirements.
- 6) The Department alcoholism-or-other-drug-abuse-licensing-authority requires substantial changes in physical plant as a result of mandated licensure requirements. In such instances, the provider must submit a plan of corrections for capital improvements approved by the licensing authority, along with the required cost information.

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7) State and/or federal regulatory requirements have generated a substantial increase in allowable costs.

- e) To be accepted for review, the written appeal shall include:
- 1) The current approved reimbursement rate, allowable costs, and the additional reimbursable costs sought through the appeal;
 - 2) A clear, concise statement of the basis for the appeal;
 - 3) A detailed statement of financial, statistical, and related information in support of the appeal, indicating the relationship between the additional reimbursable costs as submitted and the circumstances creating the need for increased reimbursement;
 - 4) A citation to any mandated or contractual requirement pertinent to the appeal; and
 - 5) A statement by the provider's chief executive officer or financial officer that the application of and information contained in the vendor's reports, schedules, budgets, books and records submitted are true and accurate.

(Source: Amended at 23 Ill. Reg. 13879, effective
 NIV-4 1999)

Section 2090.100 Sanctions for Non-Compliance/Audits

- a) Failure to comply with the requirements of this Part shall result in the provider being issued a written warning or having its certification suspended or terminated for the Illinois Medical Assistance Program.
- b) The Department shall issue written notification to a certified provider who has failed to comply with any provision specified in this Part. The provider shall have a maximum of 60 calendar days from the date of the written notice to correct the cited deficiencies. However, such action shall not preclude the Department from initiating proceedings as specified in subsection (g) of this Section.
- c) The Department may also conduct post-payment audits based on volume of billings, complaints, identified deficiencies or non-compliance with this Part, or pursuant to a random selection process as necessary to monitor for compliance with this Part.
- d) The Department shall audit a statistically significant randomly selected sampling of client records at the audited program.
- e) The Department shall follow the recoupment formula approved by the Department of Public Aid, should the audit result in recoupment.
- f) Upon completion of the post-payment audit the Department shall submit written notification to the program regarding audit findings and amounts determined to be recoupable. The program shall respond to the notification within 15 days with supporting documentation regarding the recoupment amount. If such documentation proves that the recoupment amount is inaccurate, the amount shall be revised. The program may also request a 100% audit. The department may reduce future payments at a percentage per month or in a lump sum, or demand

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repayment in a lump sum. ~~Recoupment shall be done under the Rules of Practice for Medical Vendor Hearings, 89 Ill. Adm. Code 104. Subpart E.~~

- g) The Department and the Department of Public Aid shall jointly initiate administrative proceedings pursuant to 89 Ill. Adm. Code 140.16 to suspend or terminate certification and eligibility to participate in the Illinois Medical Assistance Program for reasons set forth in 89 Ill. Adm. Code 140.16 or for failing where the provider has failed to comply with any provision of specified in this Part. The Department may also initiate administrative proceedings pursuant to 89 Ill. Adm. Code 140.15 to recover money. Both types of proceedings shall be conducted under 89 Ill. Adm. Code 104; Subpart C (Rules of Practice for Medical Vendor Hearings).

- h) ~~The Department shall immediately refer evidence of billing discrepancies or suspected improprieties to the Department of Public Aid for further action or may initiate post-payment audits.~~

(Source: Amended at 23 Ill. Reg. 13879, effective
 11/14/1999)

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- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers:
 112.101 Adopted Action:
 Amendment
 112.130
 Amendment
 112.307
 Amendment
 112.308
 Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

- 5) Effective Date of Amendments: November 19, 1999

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? No

- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: July 30, 1999 (23 Ill. Reg. 8579)

- 10) Has JCAR Issued a Statement of Objections to these amendments? No

- 11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:

1. In Sections 112.101(b)(1), 112.130(d)(2) and 112.307(b)(1)(c), "three" was changed to "3".

2. The SUBPART HEADING was added before Section 112.307.

No other substantive changes have been made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will this amendment replace an emergency amendment currently in effect? Yes

- 14) Are there any amendments pending on this Part: Yes

Section Numbers Proposed Action Illinois Register Citation

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- 112.82 Amendment 23 Ill. Reg. 9989
 112.110 Amendment 23 Ill. Reg. 12064

15) Summary and Purpose of Amendments: These amendments align the determination of liability of stepparents, parents and sponsors of non-citizens with the change to eliminate the use of the federal poverty level as an eligibility test for TANF. For the determination of liability of stepparents, parents and sponsors of non-citizens, the Department will use 3 times the payment level in lieu of the federal poverty level. This change closely replicates the use of Work Pays budgeting, exempting 2 out of 3 dollars earned. It is easy to understand for clients and staff

Companion amendments are also being adopted in 99 Ill. Adm. Code 113 and 114.

16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Susan Weir, Bureau Chief
 Bureau of Administrative Rules and Procedures
 Department of Human Services
 100 South Grand Avenue East
 3rd Floor, Harris Bldg.
 Springfield, Illinois 62762
 (217) 785-9772

The full text of adopted amendments begin on the next page:

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- TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
 SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section	Description of the Assistance Program
112.1	Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
112.2	Incorporation by Reference
112.5	

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.8	Caretaker Relative
112.9	Client Cooperation
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.60	Basis of Eligibility
112.61	Death of a parent (Repealed)
112.62	Incapacity of a parent (Repealed)
112.63	Continued Absence of a Parent (Repealed)
112.64	Unemployment of the Parent (Repealed)
112.65	Responsibility and Services Plan
112.66	Alcohol and Substance Abuse Treatment
112.67	Restriction in Payment to Households Headed by a Minor Parent
112.68	School Attendance Initiative
112.69	Felons and Violators of Parole or Probation

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section	Employment and Work Activity Requirements
112.70	Individuals Exempt from TANF Employment and Work Activity Requirements
112.71	Participation/Cooperation Requirements
112.72	Adolescent Parent Program (Repealed)
112.73	Responsibility and Services Plan
112.74	Teen Parent Personal Responsibility Plan (Repealed)

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112.76 TANF Orientation
 112.77 Reconciliation and Fair Hearings
 112.78 TANF Employment and Work Activities
 112.79 Sanctions
 112.80 Good Cause for Failure to Comply with TANF Participation Requirements
 112.81 Responsible Relative Eligibility for JOBS (Repealed)
 112.82 Supportive Services
 112.83 Teen Parent Services
 112.84 Work Experience Evaluation Project (Repealed)
 112.85 Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section
 112.86 Project Advance (Repealed)
 112.87 Project Advance Experimental and Control Groups (Repealed)
 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
 112.90 Project Advance Sanctions (Repealed)
 112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
 112.93 Individuals Exempt From Project Advance (Repealed)
 112.95 Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section
 112.98 Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
 112.100 Unearned Income
 112.101 Unearned Income of Stepparent or Parent
 112.103 Budgeting Unearned Income
 112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date of Decision
 112.107 Initial Receipt of Unearned Income
 112.108 Termination of Unearned Income
 112.110 Exempt Unearned Income
 112.115 Education Benefits
 112.120 Incentive Allowances
 112.125 Unearned Income In-Kind
 112.126 Earnmarked Income
 112.127 Lump-Sum Payments
 112.128 Protected Income (Repealed)

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112.130 Earned Income
 112.131 Earned Income Tax Credit
 112.132 Budgeting Earned Income
 112.133 Budgeting Earned Income of Employed Applicants
 112.134 Initial Employment
 112.135 Budgeting Earned Income For Contractual Employees
 112.136 Budgeting Earned Income For Non-Contractual School Employees
 112.137 Termination of Employment
 112.138 Transitional Payments (Repealed)
 112.140 Exempt Earned Income
 112.141 Earned Income Exemption
 112.142 Exclusion From Earned Income Exemption
 112.143 Recognized Employment Expenses
 112.144 Income from Work-Study and Training Programs
 112.145 Earned Income From Self-Employment
 112.146 Earned Income From Roomer and Boarder
 112.147 Income From Rental Property
 112.148 Payments from the Illinois Department of Children and Family Services
 112.149 Earned Income In-Kind
 112.150 Assets
 112.151 Exempt Assets
 112.152 Asset Disregards
 112.153 Deferral of Consideration of Assets
 112.154 Property Transfers (Repealed)
 112.155 Income Limit

SUBPART H: PAYMENT AMOUNTS

Section
 112.250 Grant Levels
 112.251 Payment Levels
 112.252 Payment Levels in Group I Counties
 112.253 Payment Levels in Group II Counties
 112.254 Payment Levels in Group III Counties
 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

SUBPART I: OTHER PROVISIONS

Section
 112.300 Persons Who May Be Included in the Assistance Unit
 112.301 Presumptive Eligibility
 112.302 Reporting Requirements for Clients with Earnings
 112.303 Retrospective Budgeting
 112.304 Budgeting Schedule
 112.305 Strikers
 112.306 Foster Care Program
 112.307 Responsibility of Sponsors of Non-Citizens Entering the County Prior

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to 8/22/96

112.308 Responsibility of Sponsors of Non-Citizens Entering the Country on or After 8/22/96

112.309 Institutional Status

112.310 Child Care for Representative Payees

112.315 Young Parent Program (Renumbered)

112.320 Redetermination of Eligibility

112.330 Extension of Medical Assistance Due to Increased Income from Employment

112.331 Four Month Extension of Medical Assistance Due to Child Support Collections

112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)

112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

SUBPART J: CHILD CARE

Section

112.350 Child Care (Repealed)

112.352 Child Care Eligibility (Repealed)

112.354 Qualified Provider (Repealed)

112.356 Notification of Available Services (Repealed)

112.358 Participant Rights and Responsibilities (Repealed)

112.362 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)

112.364 Rates of Payment for Child Care (Repealed)

112.366 Method of Providing Child Care (Repealed)

112.370 Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section

112.400 Transitional Child Care Eligibility (Repealed)

112.404 Duration of Eligibility for Transitional Child Care (Repealed)

112.406 Loss of Eligibility for Transitional Child Care (Repealed)

112.408 Qualified Child Care Providers (Repealed)

112.410 Notification of Available Services (Repealed)

112.412 Participant Rights and Responsibilities (Repealed)

112.414 Child Care Overpayments and Recoveries (Repealed)

112.416 Fees for Service for Transitional Child Care (Repealed)

112.418 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 1, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134,

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effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 36, effective November 1, 1978; peremptory amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 21, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981, amended at 5 Ill. Reg. 8048, effective July 27, 1981; amended at 5 Ill. Reg. 8032, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted

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and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; pre-emptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; amended at 8 Ill. Reg. 19883, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective

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August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 19, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; amended at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 5994, effective April 27, 1994; amended at 18 Ill. Reg.

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8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 2, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12604, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 12544, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999.

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SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section 112.101 Unearned Income of Stepparent or Parent

- a) In determining eligibility and level of assistance, the following shall be considered:
- 1) the unearned income of a stepparent of a child if the stepparent lives with the assistance unit;
 - 2) the unearned income of a parent of a person under age 18 who is receiving assistance as a parent or dependent child if they are all living in the same household.
- b) The amount of the total available income of the stepparent or parent under subsection (a) above shall be the income remaining after the following amounts have been deducted:
- 1) an amount equal to 3 times the TANF payment level ~~the federal poverty-level--as-defined-in-Section-112-15(b7)~~ for a family size taking into account the needs of the stepparent or parent and the needs of individuals residing with the stepparent or parent not included in the assistance unit whom the stepparent or parent claims as federal tax dependents;
 - 2) court ordered support obligations of the stepparent or parent; or
 - 3) amounts paid by the stepparent or parent to individuals outside the home whom the stepparent or parent claims as federal tax dependents.

(Source: Amended at 23 Ill. Reg. 13898, effective November 19, 1999.)

Section 112.130 Earned Income

- a) All currently available income which is not specified as exempt shall be considered in the determination of eligibility and the level of the assistance payment.
- b) Earned income is remuneration acquired through the receipt of salaries or wages for services performed as an employee or profits from an activity in which the individual is self-employed.
- c) In determining eligibility and level of assistance, the following shall be considered:
- 1) the earned income of a stepparent of a child if the stepparent lives with the assistance unit;
 - 2) the earned income of a parent of a person under age 18 who is receiving assistance as a parent or dependent child if they are all living in the same household.
- d) The amount of the total available income of the stepparent or parent under subsection (c) of this Section shall be the income remaining after the following amounts have been deducted:
- 1) As employment expenses, \$90 from the gross earned income or income remaining after deducting self-employment business

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- expenses for an employed person (see Section 112.145);
- 2) An amount equal to 3 times the TANF payment level, ~~the federal poverty level (see Section 112.155(b))~~ for a family size taking into account the needs of the stepparent or parent, and the needs of individuals residing with the stepparent or parent not included in the assistance unit whom the stepparent or parent claims or could claim as federal tax dependents;
- 3) Amounts paid by the stepparent or parent for alimony or child support to individuals outside the home;
- 4) Amounts paid by the stepparent or parent to individuals outside the home whom the stepparent or parent claims or who could be claimed as federal tax dependents;
- e) Earned income received through the Job Training Partnership Act by all dependent children is exempt.
- f) Earned income received by all dependent children.

(Source: ^{Amended} at 23 Ill. Reg. 13098, effective NOV 19 1999)

SUBPART I: OTHER PROVISIONS

Section 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96

- a) This Section 112.307, except as specified in subsection (b), applies to all non-citizens who entered the country prior to August 22, 1996, or who entered the country on or after that date, but whose sponsor did not sign an Affidavit of Support under Section 213A of the Immigration and Nationality Act (INA).
- b) This Section applies to all non-citizens except the following:
- 1) persons paroled under Section 212(d)(5) of the INA for at least one year and who entered the United States before August 22, 1996;
 - 2) persons granted asylum by the U.S. Attorney General under Section 208 of the INA;
 - 3) persons admitted as Cuban or Haitian Entrants;
 - 4) persons admitted by application before April 1, 1980 under Section 203(a)(7) of the INA;
 - 5) persons admitted as refugees by application after March 31, 1980 under Section 207(c) of the INA; and
 - 6) persons whose deportation is being withheld under Section 243(h) of the INA.
- c) Certain amounts of the income and assets of a sponsor of a non-citizen and the sponsor's spouse, if they live together, are deemed to be available unearned income of the individual non-citizen applying for or receiving assistance if:
- 1) the sponsor signed an affidavit of support or a similar agreement assuring the non-citizen will not become a public

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- charge;
- 2) the sponsor is not a recipient of TANF or SSI;
 - 3) the non-citizen has been a resident of the U.S. for less than three years;
 - 4) the non-citizen is not a child or spouse of the sponsor.
- d) A sponsor is an individual, private organization or agency or public organization or agency.
- e) The spouse's income and assets will be counted even if the sponsor and spouse married after the agreement was signed.
- f) The sponsor, if found able to support the non-citizen, wholly or partially, is liable for the needs of the individual only. The sponsor is not responsible for the needs of the spouse or child or children of the non-citizen if he or she did not sponsor them.
- g) If two or more non-citizens applying for assistance are sponsored by the same sponsor, the income of the sponsor deemed available is divided equally among the non-citizens.
- h) The sponsor's income and assets available to meet the needs of the non-citizen are determined in the following manner:
- 1) Determination of Available Income
 - A) Disregard 20 percent, not to exceed \$175, of the earned income of the sponsor or of the sponsor and sponsor's spouse, if they live together. This includes net earnings from self-employment, allowing business expenses incurred in the production of self-employment income.
 - B) Add the unearned income of the sponsor and spouse, if they live together.
 - C) Deduct three times the TANF payment level ~~the appropriate federal poverty level, as defined in Section 112.155(b)~~ for the size of the sponsor's family unit. This includes the sponsor and other individuals living with the sponsor who are claimed as federal tax dependents.
 - D) Deduct any amount paid to individuals outside the home whom the sponsor claims as federal tax dependents.
 - E) Subtract any alimony or child support paid to individuals not living with the sponsor.
 - 2) Income remaining is applied to the needs of the immigrant.
 - 3) Determination of Sponsor's Assets

The asset disregard for a sponsor of a non-citizen is \$1500. The same assets are exempt for a TANF case as provided in Section 112.151.

- i) If nonexempt assets are more than the \$1500 disregard, the amount over the disregard shall be considered as available to the non-citizen.

(Source: ^{Amended} at 23 Ill. Reg. 13098, effective NOV 19 1999)

Section 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96

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- a) This Section applies to all non-citizens who entered the country on or after August 27, 1996, and whose sponsors signed an Affidavit of Support under Section 213A of the Immigration and Nationality Act.
- b) This Section applies to all non-citizens except the following:

- 1) persons paroled under Section 212(d)(5) of the INA for at least one year and who entered the United States before August 27, 1996;
- 2) persons granted asylum by the U.S. Attorney General under Section 208 of the INA;
- 3) persons admitted as Cuban or Haitian Entrants;
- 4) persons admitted by application before April 1, 1980, under Section 203(a)(7) of the INA;
- 5) persons admitted as refugees by application after March 31, 1980, under Section 207 of the INA; and
- 6) persons whose deportation is being withheld under Section 243(h) of the INA.

- c) Certain amounts of the income and assets of a sponsor of a non-citizen and the sponsor's spouse, if they live together, are deemed to be available unearned income of the individual non-citizen applying for or receiving assistance if:

- 1) the sponsor signed an Affidavit of Support under Section 213A of the INA assuring the non-citizen will not become a public charge;
- 2) the sponsor is not a recipient of TANF or SSI; and
- 3) the non-citizen is not a child or spouse of the sponsor.

- d) A sponsor is an individual, private organization or agency or public organization or agency.

- e) The spouse's income and assets will be counted even if the sponsor and spouse married after the agreement was signed.

- f) The sponsor, if found able to support the non-citizen wholly or partially, is liable for the needs of the individual non-citizen only. The sponsor is not responsible for the needs of the spouse or child or children of the non-citizen if he or she did not sponsor them.

- g) If two or more non-citizens applying for assistance are sponsored by the same sponsor, the income of the sponsor deemed available is divided equally among the non-citizens.

- h) The sponsor's income and assets available to meet the needs of the non-citizen are determined in the following manner:

- 1) Determination of Available Income
 - A) Disregard 20 percent, not to exceed \$175, of the earned income of the sponsor or of the sponsor and sponsor's spouse, if they live together. This includes net earnings from self-employment, allowing business expenses incurred in the production of self-employment income.
 - B) Add the unearned income of the sponsor and spouse, if they live together.

- C) Deduct three times the TANF payment level the appropriate federal poverty level as defined in Section 112.15(b)(7) for the size of the sponsor's family unit. This includes the

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- sponsor and other individuals living with the sponsor who are claimed as federal tax dependents.

- D) Deduct any amount paid to individuals outside the home whom the sponsor claims as federal tax dependents.
- E) Subtract any alimony or child support paid to individuals not living with the sponsor.
- 2) Income remaining is applied to the needs of the non-citizen.
- 3) Determination of Sponsor's Assets
 - A) The asset disregard for a sponsor of a non-citizen is \$1500. The same assets are exempt for a TANF case as provided in Section 112.151.
 - B) If non-exempt assets are more than the \$1500 disregard, the amount over the disregard shall be considered as available to the non-citizen.
 - C) The sponsor's income and assets shall be deemed available to meet the needs of the non-citizen until the non-citizen is naturalized or has worked 40 qualifying quarters of coverage as specified in Section 421 of the Personal Responsibility and Work Opportunities Reconciliation Act of 1996.

(Source: Amended at 23 Ill. Reg. 13.8.9.8, effective NOV 1 1999)

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1) Heading of the Part: Hospital Licensing Requirements

2) Code Citation: 77 Ill. Adm. Code 250

3) Section Numbers:
 250.160 Adopted Action:
 Amendments
 New Section
 250.1075
 250.1220 Amendments
 250.1240 Amendments
 250.1250 Amendments
 250.1260 Amendments
 250.1280 Amendments
 250.1290 Amendments
 250.1320 Amendments
 250.2140 Amendments
 250.2470 Amendments

4) Statutory Authority: Hospital Licensing Act (210 ILCS 85)

5) Effective date of amendments: November 15, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain any incorporations by reference? Yes

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: June 4, 1999 - 23 Ill. Reg. 6762

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: The following changes were made in response to comments received during the first notice, or public comment, period:

The following was added in the Source Note: "amended at 23 Ill. Reg. 9513, effective August 1, 1999;".

The following changes were made in response to comments and suggestions of the JCAR:

No changes were suggested.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were suggested.

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13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? Yes

Section Numbers Proposed Action Ill. Reg. Citation
 250.720 Amendments 23 Ill. Reg. 12579

15) Summary and purpose of the amendments: The rules in Part 250 establish licensure requirements for hospitals in Illinois. In Section 250.160, incorporated and referenced materials are being updated, including the National Fire Protection Association (NFPA) Life Safety Code, American Society for Testing and Materials (ASTM) standards, and American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) standards.

Section 250.1075 ("Use of Restraints") is being added to require hospitals to establish written policies addressing the use of restraints. Minimum provisions for the use of restraints are included in the rule.

The majority of the amendments are in Subpart J: Surgical and Recovery Room Services. In Section 250.1220 (Surgery Staff), the supervisory nurse of direct patient care will be required to be knowledgeable in invasive and diagnostic procedures. Section 250.1240 (Surgical Privileges), subsection (b), is being amended to state that "policies and procedures shall identify which surgical procedures necessitate a second hospital-credentialed physician to assist in the surgical procedure." Two new subsections are being added in Section 250.1250 (Surgical Emergency Care): subsection (b) defines an emergency surgical case; subsection (c) provides for a waiver, by the physician, of requirements regarding preoperative assessment of the patient and informed consent in the event that an emergency case is declared. Amendments to Section 250.1260 (Operating Room Register and Records) allow an operating room log or register to be created by electronic means. The medical record of the patient will be required to be available in the operating suite and post-anesthesia area. An operative report describing techniques and findings shall be written or dictated immediately following surgery and signed by the surgeon as soon after transcription as possible. Operating suite equipment requirements are amended in Section 250.1280. In Section 250.1290, requirements for policies and procedures concerning safety are amended. Requirements for postoperative recovery facilities are amended in Section 250.1320, including the addition of requirements for a secure area at the drug distribution station, a dictating area, and a soiled utility area.

Section 250.2140 ("Pharmacy and Therapeutics Committee") is being amended to clarify language concerning incident reports.

Section 250.2470 ("Structural") is being amended to clarify language

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concerning fire resistive construction.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Paul Thompson
Division of Legal Services
Department of Public Health
535 West Jefferson
Fifth Floor
Springfield, Illinois 62761
217/782-2043
(rules@dph.state.il.us)

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

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TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER B: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250

HOSPITAL LICENSING REQUIREMENTS

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250.120
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250.140
250.150
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Application for and Issuance of Permit to Establish a Hospital
Application for and Issuance of a License to Operate a Hospital
Administration by the Department
Hearings
Definitions
Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION AND PLANNING

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250.210
250.220
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250.250
250.260
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The Governing Board
Accounting
Planning
Admission and Discharge
Visiting Rules
Patients' Rights
Language Assistance Services
Manuals of Procedure
Agreement with Designated Organ Procurement Agencies

SUBPART C: THE MEDICAL STAFF

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Organization
House Staff Members
Admission and Supervision of Patients
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Availability for Emergencies

SUBPART D: PERSONNEL SERVICE

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250.410
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Personnel Records
Duty Assignments
Health Care Worker Background Check
Education Programs
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250.460 Benefits

SUBPART E: LABORATORY

250.510 Laboratory Services

250.520 Blood and Blood Components

250.525 Designated Donor Program

250.530 Proficiency Survey Program (Repealed)

250.530 Laboratory Personnel (Repealed)

250.540 Western Blot Assay Testing Procedures (Repealed)

250.550

SUBPART F: RADIOLOGICAL SERVICES

250.610 General Diagnostic Procedures and Treatments

250.620 Radioactive Isotopes

250.630 General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

250.710 Classification of Emergency Services

250.720 General Requirements

250.725 Notification of Emergency Personnel

250.730 Community or Area-wide Planning

250.740 Disaster and Mass Casualty Program

250.750 Emergency Services for Sexual Assault Victims

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

250.810 Applicability of Other Parts of These Requirements

250.820 General

250.830 Classifications of Restorative and Rehabilitation Services

250.840 General Requirements for all Classifications

250.850 Specific Requirements for Comprehensive Physical Rehabilitation Services

250.860 Medical Direction

250.870 Nursing Care

250.880 Additional Allied Health Services

SUBPART I: NURSING SERVICE AND ADMINISTRATION

250.910 Nursing Services

250.920 Organizational Plan

250.930 Role in hospital planning

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250.940 Job descriptions

250.950 Nursing committees

250.960 Specialized nursing services

250.970 Nursing Care Plans

250.980 Nursing Records and Reports

250.990 Unusual Incidents

250.1000 Meetings

250.1010 Education Programs

250.1020 Licensure

250.1030 Policies and Procedures

250.1040 Patient Care Units

250.1050 Equipment for Bedside Care

250.1060 Drug Services on Patient Unit

250.1070 Care of Patients

250.1075 Use of Restraints

250.1080 Admission Procedures Affecting Care

250.1090 Sterilization and Processing of Supplies

250.1100 Infection Control

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

250.1210 Surgery

250.1220 Surgery Staff

250.1230 Policies & Procedures

250.1240 Surgical Privileges

250.1250 Surgical Emergency Care

250.1260 Operating Room Register and Records

250.1270 Surgical Patients

250.1280 Equipment

250.1290 Safety

250.1300 Operating Room

250.1305 Visitors in Operating Room

250.1310 Cleaning of Operating Room

250.1320 Postoperative Recovery Facilities

SUBPART K: ANESTHESIA SERVICES

250.1410 Anesthesia Service

SUBPART L: RECORDS AND REPORTS

250.1510 Medical Records

250.1520 Reports

SUBPART M: FOOD SERVICE

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SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES	
Section 250.1710 250.1720 250.1730 250.1740 250.1750 250.1760	Housekeeping Garbage, Refuse and Solid Waste Handling and Disposal Insect and Rodent Control Laundry Service Soiled Linen Clean Linen
SUBPART O: MATERNITY AND NEONATAL SERVICE	
Section 250.1810 250.1820 250.1830 250.1840 250.1850 250.1860 250.1870	Applicability of other Parts of these regulations Maternity and Neonatal Service (Perinatal Service) General Requirements for all Maternity Departments Discharge of Newborn Infants from Hospital Rooming-in Care of Mother and Infant Special Programs Single Room Maternity Care
SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE, EQUIPMENT, AND SYSTEMS--HEATING, COOLING, ELECTRICAL, VENTILATION, PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL	
Section 250.1910 250.1920 250.1930 250.1940 250.1950 250.1960 250.1970 250.1980	Maintenance Emergency electric service Water Supply Ventilation, Heating, Air Conditioning, and Air Changing Systems Grounds and Buildings Shall be Maintained Sewage, Garbage, Solid Waste Handling and Disposal Plumbing Fire and Safety
SUBPART Q: CHRONIC DISEASE HOSPITALS	

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SUBPART S: PSYCHIATRIC SERVICES	
Section 250.2210 250.2220 250.2230 250.2240 250.2250 250.2260 250.2270 250.2280 250.2290	Applicability of other Parts of these Regulations Establishment of a Psychiatric Service The Medical Staff Nursing Service Allied Health Personnel Staff and Personnel Development and Training Admission, Transfer and Discharge Procedures Care of Patients Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care Diagnostic, Treatment and Physical Facilities and Services
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SUBPART T: DESIGN AND CONSTRUCTION STANDARDS	
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250.2440 250.2450 250.2460 250.2470 250.2480 250.2490 250.2500	General Hospital Standards Details Finishes Structural Mechanical Plumbing and Other Piping Systems Electrical Requirements
SUBPART U: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS	
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250.2620 Codes and Standards
250.2630 Existing General Hospital Standards
250.2640 Details
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SUBPART V: SPECIAL CARE AND SPECIAL SERVICE UNITS

Section
250.2710 Special Care and/or Special Service Units
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SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section
250.2810 Applicability of Other Parts of These Requirements
250.2820 Establishment of an Alcoholism and Intoxication Treatment Service
250.2830 Classification and Definitions of Service and Programs
250.2840 General Requirements for all Hospital Alcoholism Program Classifications

250.2850 The Medical and Professional Staff
250.2860 Medical Records
250.2870 Referral
250.2880 Client Legal and Human Rights

ILLUSTRATION A Seismic Zone Map

APPENDIX A Codes and Standards (Repealed)

EXHIBIT A Codes (Repealed)

EXHIBIT B Standards (Repealed)

EXHIBIT C Addresses of Sources (Repealed)

TABLE A Measurements Essential for Level I, II, III Hospitals

TABLE B Sound Transmission Limitations in General Hospitals

TABLE C Filter Efficiencies for Central Ventilation and Air

TABLE D Systems in General Hospitals (Repealed)

General Pressure Relationships and Ventilation of Certain Hospital

Areas (Repealed)

TABLE E Piping Locations for Oxygen, Vacuum and Medical Compressed Air

TABLE F General Pressure Relationships and Ventilation of Certain Hospital

Areas

TABLE G Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of

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150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 11, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999, amended at 23 Ill. Reg. 13313, effective 1, NOV 15 1999.

SUBPART A: GENERAL

Section 250.160 Incorporated and Referenced Materials

- a) The following regulations and standards are incorporated in this Part:
- 1) Private and professional association standards:
 - A) American Society for Testing and Materials (ASTM), Standard No. E90 (1996 1995): Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Floors and Walls, which may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103. [tSee Section 250.2420.]

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- B) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329; {fsee Section 250.2480.1.}
- i) ASHRAE Handbook of Fundamentals (1997 1998);
- ii) ASHRAE Handbook for HVAC Systems and Equipment (1996) Equipment Volume (1999);
- iii) ASHRAE-Handbook-for-Systems (1994);
- iv) ASHRAE Handbook for Applications (1995 1998).
- C) the Compressed-Gas Association--(CGA)--Pamphlet--p-2-1 (1978)--Standard--for-Medical-Surgical--Vacuum--Systems--in-Hospitals--which-may-be-obtained--from--the--Compressed-Gas Association--1235--Jefferson--Davis--Highway--Arlington Virginia-22202--fsee-Section-250.2490-1
- D) National Fire Protection Association (NFPA), Standard No. 101 (1997 1994): Life Safety Code {fsee Sections 250.2420, 250.2450, 250.2460, 250.2470, and 250.2490.1} and the following standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269:
- i) No. 10 (1994 1998): Installation of Portable Fire Extinguishers; {fsee Section 250.1980.1}
- ii) No. 13 (1996 1994): Sprinkler Systems; {fsee Sections 250.2490 and 250.2670.1}
- iii) No. 13A (1987)--Sprinkler-Systems--Maintenance--{fsee Sections-250-2490-and-250-2670}
- iv) No. 14 (1996 1998): Standpipe and Hose Systems; {fsee Sections 250.2490 and 250.2670.1}
- v) No. 25 (1995) Fire Protection, Testing and Maintenance of Water Based Fire Protection Systems;
- v) No. 30 (1996 1998): Flammable and Combustible Liquids Code; {fsee Section 250.1980.1}
- v) No. 45 (1996): Fire Protection for Laboratories Using Chemicals Code;
- vii) No. 51 (1996): Fuel Gas Code;
- viii) No. 70 (1996) 1999): National Electrical Code; {fsee Sections 250.2440 and 250.2500.1}
- ix) No. 72 (1996): Fire Alarm Code;
- x) No. 80 (1995 1998): Standard for Fire Doors and Windows; {fsee Section 250.2450.1}
- xi) No. 82 (1994 1998): Incinerators and Rubbish Handling; {fsee Section 250.2440.1}
- xii) No. 90A (1996 1998): Installation of Air Conditioning and Ventilating Systems; {fsee Sections 250.2480 and 250.2660.1}
- xiii) No. 96 (1997 1998): Vapor Removal Cooking

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| Equipment, (fSee Section 250.2660.) | |
| xiv)†† No. 95 (1996 999): Health Care Facilities Code: (fSee Sections 250.1410, 250.1980, 250.1910, 250.2460, 250.2480, 250.2490, and 250.2660.) | |
| xv)†† No. 101-w (1992): Alternative Approaches to Life Safety, (fSee Section 250.2620.) | |
| xvi) No. 110 (1996): Emergency and Standby Power Systems Code: | |
| xviii)†† No. 220 (1995 992): Standard Types of Building Construction, (fSee Sections 250.2470 and 250.2620.) | |
| xviii) No. 221 (1994): Fireworks and Fire Barrier Walls Code: | |
| xix) No. 241 (1996): Safeguarding Construction and Alterations Demolition Operations Code: | |
| xx)†† No. 255 and 258 (1996 998): Standard Method of Test of Surface Burning Characteristics of Building Material, (fSee Section 250.2480.) | |
| xxi)†† No. 701 (1996 998): Fire Tests for Flame-Resistant Textiles and Films, (fSee Sections 250.2460 and 250.2650.) | |
| xxii)†† American Academy of Pediatrics and American College of Obstetricians and Gynecologists, Guidelines for Perinatal Care, Third Edition (1992), which may be obtained from the American Academy of Pediatrics, 141 Northwest Point Boulevard, Oak Brook, IL 60057-4100. | |
| xxiii)†† American College of Obstetricians and Gynecologists, Guidelines for Women's Healthcare (January 1996) and Guidelines for Perinatal Care, Fourth Edition Standards--for Obstetric-Synecologic Services--Seventh Edition (1989) and Manual of Standards (1987), which may be obtained from the American College of Obstetricians and Gynecologists, 409 12th Street, SW, Washington, D.C. 20024-1288. (fSee Section 250.1820.) | |
| xxiv)†† National Council on Radiation Protection and Measurements (NCRP), Report No.49: Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies up to 10 MeV (1976) and NCRP Report No. 102: Medical X-Ray, Electron Beam and Gamma-Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance and Use) (1989), which may be obtained from the National Council on Radiation Protection and Measurements, 7910 Woodmont Ave., Suite 800, Bethesda, Maryland 20814-3095. (fSee Sections 250.2440 and 250.2450.) | |
| xxv)†† DOP Penetration Test Method MIL STD No.282 (1995 976): Filter Units, Protective Clothing, Gas-mask Components and Related Products: Performance Test Methods, which may be obtained from Naval Publications and Form | |

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Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120.
[fSee Section 250.2480.]

H) National Association of Plumbing-Heating-Cooling Contractors (PHCC), National Standard Plumbing Code (1957), which may be obtained from the National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street, N.W., Washington, D.C. 20036. [fSee Section 250.2420.]

I) Building Officials Code Administrators (BOCA) International, Eleventh Edition, "The BOCA National Building Code (1996 4993)", which may be obtained from BOCA, Inc., 4051 Flossmoor Road, Country Club Hills, IL 60477-5795. [fSee Section 250.2420.]

J) American Standards Association, Inc., Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped (1968), which may be obtained from the American Standards Association, Inc., East 40th Street, New York, New York 10016. [fSee Section 250.2420.]

K) Underwriters Laboratories, Inc. (UL), Publication No. 181 (1994 4974): Air Ducts, which may be obtained from Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook, Illinois 60062 267 ~~East--Ohio--Streety--Chicago~~ ~~Northbrook--66611~~. [fSee Section 250.2420.]

L) Accreditation Council for Graduate Medical Education, Essentials of Accredited Residencies in Graduate Medical Education (1997 4996), which may be obtained from the Accreditation Council for Graduate Medical Education, 515 North State Street, Suite 202, 535-North-Bearborn-Streety Chicago, Illinois 60610. [fSee Section 250.315.]

2) Federal Government Publications:

A) Department of Health and Human Services, United States Public Health Service, Centers for Disease Control, "CDC Guidelines for Isolation Precautions in Hospitals", January 1996 and "CDC Guidelines for Infection Control in Hospital Personnel," July 1993, which may be obtained from National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. [fSee Section 250.1100.]

B) National Bureau of Standards, "Technical Note 769--Appendix I--Test Method for Measuring the Smoke Generation Characteristics of Solid Materials" (1982), which may be obtained from American National Standards Institute, 439 Broadway, New York, NY 10018. [fSee Section 250.2420.]

b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

c) The following statutes and State regulations are referenced in this Part:

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1) State of Illinois statutes:

- A) Hospital Licensing Act [210 ILCS 85].
- B) Illinois Health Facilities Planning Act [20 ILCS 3960 3966].
- C) Medical Practice Act of 1987 [225 ILCS 60].
- D) Podiatric Medical Practice Act of 1987 [225 ILCS 100].
- E) Pharmacy Practice Act of 1987 [225 ILCS 85].
- F) Physicians Assistant Practice Act of 1987 [225 ILCS 95].
- G) Illinois Clinical Laboratory Act [210 ILCS 25].
- H) Radiation Installation ~~Installations~~ Act [420 ILCS 30 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000]
- I) X-ray Retention Act [210 ILCS 90].
- J) Safety Glazing Materials Act [430 ILCS 60].
- K) Mental Health and Developmental Disabilities Code [405 ILCS 5].

L) The Illinois Nursing and Advanced Practice Nursing Act [225 ILCS 65].

2) State of Illinois rules regulations:

- A) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890).
- B) Department of Public Health, Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 945).
- C) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690).
- D) Department of Public Health, Food Service Sanitation Code (77 Ill. Adm. Code 750).
- E) Department of Public Health, Public Area Sanitary Practice Code ~~for--Drinking--Water--Sewage--Disposal--and--Restroom Facilities~~ (77 Ill. Adm. Code 895).
- F) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400).
- G) State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120).
- H) State Fire Marshal, Fire Prevention and Safety (41 Ill. Adm. Code 100).
- I) Department of Nuclear Safety, Standards for Protection Against Radiation (32 Ill. Adm. Code 340).
- J) Department of Nuclear Safety, Use of X-rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (32 Ill. Adm. Code 360).

(Source: Amended at 23 Ill. Reg. 13 91 3, effective NOV 10 1999)

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section 250.1075 Use of Restraints

Established written policy(ies) shall address the use of restraints in the

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hospital and shall include, at a minimum, the following provisions:

- a) Restraints shall be used only to prevent the individual from injuring him/herself or others, or to prevent serious disruption of the provision of care to the patient or others.
- b) Restraints shall be used only upon the written order of a physician. In an emergency, other appropriate individuals, as specifically designated in policies and procedures, may order use of a restraint for a period not to exceed one hour. The clinical justification for use of a restraint will be addressed in the medical record on each use of the restraint. Orders shall be for specific episodes rather than unspecified future use (PRN).
- c) Restraint use shall be time limited by policy, not to exceed 24 hours without review and re-initiation of a physician order.
- d) The required proximity to the nurses' station of patients on the floor who are placed in restraints shall be stated.
- e) Methods and frequency of observation of patients, including maximum length of time between observations, shall be stated.
- f) When hard restraints are employed, all nursing and patient care staff assigned to that unit must have a restraint key in their possession for the duration of their shift.

(Source: Added at 23 Ill. Reg. 13913, effective
Nov 15 1999)

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section 250.1220 Surgery Staff

- a) A current roster of physicians, dentists, and podiatrists shall be maintained in the surgical suite and available to the surgical nursing surgery-supervisory-nurses and medical staff.
- b) The supervisory nurse of direct patient care shall be a registered professional nurse, knowledgeable in invasive and diagnostic as well as operating room procedures.

(Source: Amended at 23 Ill. Reg. 13913, effective
Nov 15 1999)

Section 250.1240 Surgical Privileges

- a) Surgical privileges shall be delineated for each member of the medical staff (i.e., a Doctor of Medicine, M.D.; Doctor of Osteopathy, D.O.; Doctor of Podiatric Medicine, D.P.M.; or Doctor of Dental Surgery, D.D.S.) who has been granted surgical privileges in accordance with the competence of each such member of the medical staff. A file of these members, specifying the surgical privileges of each of these members, shall be available kept in the confidential files of the operating room supervisor and in the files of the Hospital

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- b) Policies and procedures shall identify which surgical procedures necessitate a second hospital-credentialed physician in any procedure with unusual hazard--to offer there shall be present and scrubbed as first-assistance a physician designated by the credentials committee as being qualified to assist in the surgical procedure major or hazardous surgery--this is to be identified in the current department policy and procedure manual.

(Source: Amended at 23 Ill. Reg. 13913, effective
Nov 15 1999)

Section 250.1250 Surgical Emergency Care

- a) An there shall be an on-call schedule of physicians shall be established and posted at each patient care unit or other area where hospital patients are admitted or the communications center of the hospital to ensure that there is 24-hour emergency care or post-operative follow-up care, or both, available.
- b) In emergency surgical case is defined as any case in which, in the opinion of the attending physician or surgeon, the risk of a delay endangers the patient's life, limb or organs. The declaration of an emergency shall be appropriately noted in the patient's chart.
- c) In the event of the declaration of an emergency case, any of the requirements regarding the preoperative assessment of the patient and informed consents may be waived by the attending physician or surgeon and noted in the medical record.

(Source: Amended at 23 Ill. Reg. 13913, effective
Nov 15 1999)

Section 250.1260 Operating Room Register and Records

- a) An operating room log or register, including those created by electronic means, shall be provided and maintained on a current basis. If the register is created by electronic means, then safeguards to protect the integrity and confidentiality of these records must be in place. The operating room log or register shall contain the date of the operation, name and number of patient, names of surgeons and surgical assistants, name of anesthetist, type of anesthesia given and pre- and post-operative diagnosis, type of surgical procedure, operating room number and the presence or absence of complications in surgery.
- b) The medical staff shall establish procedures to ensure that preoperative and postoperative medical records are completed in a timely and accurate manner. A properly executed consent form for the proposed surgical or diagnostic procedure, including a consent for anesthesia services, operation shall be in the patient's chart prior

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to surgery. Except in an emergency, ~~there shall be~~ a complete history and physical work-up shall be recorded in the chart of every patient prior to surgery. ~~Whether the surgery is major or minor, if such has been dictated or transcribed, but not yet recorded in the patient's chart, there shall be a statement to that effect and an admission note by the physician in the chart.~~ ~~EXCEPTION: Any of the pre-operative procedures may be waived, if in the judgement of the attending physician or surgeon, the risk of delay endangers the patient's life.~~ The medical record of the patient shall be available in the operating suite and post-anesthesia area.

- d) An operative report describing techniques and findings shall be written or dictated immediately following surgery and signed by the surgeon as soon after transcription as possible.

(Source: Amended at 23 Ill. Reg. 13 9 13, effective Nov 15 1999)

Section 250.1280 Equipment

- a) The operating room suite is to be equipped with the appropriate and necessary equipment and instruments for the surgical or diagnostic procedures performed, and necessary services shall be so located that traffic in and out can be and is controlled and there is no through traffic. The following equipment shall be available in the operating suites: call in system, cardiac monitor, resuscitator, defibrillator, aspirator, thoracotomy set, and tracheotomy set, and such other instruments or equipment available for life saving.

- b) The surgical suite shall have appropriate resuscitation equipment immediately available at all times.

- c) A dedicated emergency call system must be present in each operating room for the purpose of alerting operating suite personnel to an emergency or life-saving situation.

(Source: Amended at 23 Ill. Reg. 13 9 13, effective Nov 15 1999)

Section 250.1290 Safety

- a) Policies and procedures shall be established concerning the safety and welfare of patients treated in the surgical suite, and safety training shall be provided to personnel. ~~Whereby~~ ~~of the staff~~ ~~shall require that all pertinent precautions for the safety and welfare of patients treated in the surgical department are taken. It shall be the responsibility of the administrator with the advice of the surgical staff to furnish a sufficient quantity of modern surgical and emergency equipment to provide safe and aseptic treatment of all surgical patients.~~

- b) Policies and procedures shall be established ~~when~~ ~~hospital~~ ~~shall~~

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~~establish necessary rules and regulations for the control, storage, and safe use of combustible anesthetics, oxygen and other medicinal gases. Refer: Section 250.1410(e).~~

c) Suitable facilities must be provided for the safe and convenient preparation of drugs and medications medication, including ample light, running water, sufficient work area, refrigeration and a secure and locked cabinet area for the storage of schedule control of drugs.

d) Policies and procedures shall be established addressing principles of sterility and asepsis in the surgical suite. ~~Safety training shall be provided to personnel to assure safety for patient and staff.~~

e) Rigid adherence to accepted standards of sterility and asepsis is mandatory in the Surgical Department.

(Source: Amended at 23 Ill. Reg. 13 9 13, effective Nov 15 1999)

Section 250.1320 Postoperative Recovery Facilities

- a) Provision and use of postoperative recovery facilities
- 1) Postoperative recovery facilities shall be provided by all hospitals in which surgery is performed. They shall be in a separate room where patients who have undergone surgical procedures can be immediately observed and receive specialized care by selected and trained personnel, and where, when necessary, prompt emergency care can be initiated.

- 2) The services of the postoperative recovery room may be utilized for postpartum if the delivery room or place of delivery is in proximity to the postoperative recovery room. Only clean (non-infected or non-infectious) postpartum patients may be admitted to the postoperative recovery room and may after appropriate observation be returned to the maternity department.

- b) Personnel

- 1) Physician
A physician shall be responsible for the conduct of the recovery room, for the training of recovery room personnel, and for the establishment of admission and discharge policies and procedures.

- 2) Nurse

- A) A registered nurse who has education and experience in postoperative recovery room care shall supervise all personnel performing nursing service functions.

- B) A registered nurse shall be in attendance at all times when patients are in the recovery room.

- C) There shall be sufficient nursing personnel to provide the specialized care required for the post surgical patient. It is recommended that a ratio of one nursing personnel to three patients be maintained at all times.

- D) Nursing personnel shall be assigned permanently to the postoperative recovery room when patients are present.

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- c) Practices for operation of postoperative recovery rooms
- 1) Only clean surgical cases shall be admitted to the postoperative recovery room.
 - 2) Contaminated cases shall be returned to the isolation room or a private room. When a separate isolation facility is within or adjacent to the postoperative recovery room, contaminated cases may be admitted to it.
 - 3) A member of the medical staff shall provide initial orders for the care of each patient upon admission.
 - 4) A member of the medical staff shall be responsible for the patient's discharge from the recovery room.
 - 5) Anesthetized patients shall be constantly attended. Side rails shall be attached to movable carts and beds and raised above mattress level when occupied by anesthetized patients. Cribs shall be provided for the anesthetized or post surgical child.
 - 6) Written policies and procedures, which are reviewed regularly and revised as necessary, shall be established.
 - 7) A complete orientation program and continuing in-service education program shall be provided for all personnel assigned to the recovery room.
 - 8) Personnel with communicable diseases shall be excluded from the recovery room.
 - 9) No visitors shall be permitted in the postoperative recovery room, except in the case where a hospital has adopted a policy, approved through the Governing Board, that allows a parent or guardian, or other individual selected by a child's parent or guardian, of a child 12 years of age or younger to be present with the child in recovering from a surgical procedure. Before allowing individuals to be present in the recovery area with their child, the hospital shall have a policy in place that includes at least the following:
 - A) Written consent of both the parent, guardian or other individual and the physician performing the surgery;
 - B) Notation in the patient's medical record of the presence of additional persons in the postoperative recovery room during recovery of the child from a surgical procedure;
 - C) Application of safeguards against the introduction of individual including orientation, education and training of the person prior to the performance of the procedure; this shall include, at minimum, specifics regarding the procedure and recovery, what can be expected, and basic infection control practices expected of the person;
 - D) Provision of at least one additional staff person in the recovery room assigned to oversee, supervise and assist the parent, guardian or other designated individual for the period of time the parent, guardian or designated individual is present;

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- E) Provision of safeguards to ensure the privacy of other patients who may be recovering from surgical procedures, which may include separate rooms or some other type of separation for recovery of children who would have a parent present. Whatever method is chosen must allow for constant attention of anesthetized patients by recovery room staff; and
 - F) If at any point during the recovery of the minor patient it is determined by the recovery room personnel that the parent, guardian or other individual poses a threat to the safe recovery of the patient, he or she may require the parent, guardian or other individual to leave the recovery room.
 - d) Drugs, supplies and equipment
Drugs, supplies and equipment shall be immediately and continually accessible in the unit for postoperative care including emergencies. These shall include cardiac-respiratory resuscitation materials.
 - e) Accommodations and facilities for recovery rooms
The post-operative recovery facility Room(s) for post-anesthesia recovery of surgical and obstetrical patients shall be provided and shall contain and provide for a drug distribution station, including a secure area, adequate handwashing facilities, charting and dictating areas, soiled utility area facilities, clinical sink with bedpan flushing device, and adequate storage space for supplies and equipment. Additional recovery space(s) may be necessary to accommodate surgical outpatients. For more detailed information see Subpart 2 of this Part.
- (Source: Amended _____ at 23 Ill. Reg. 13913, effective _____, 10/13/1999)
- SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE
- Section 250-2140 Pharmacy and Therapeutics Committee
- a) In accordance with the bylaws, rules and regulations of the medical staff, an interdisciplinary committee acceptable to the Board shall be appointed to assure the responsibility for the functions of the service.
 - b) The committee shall meet not less than quarterly and record minutes of their meetings, which shall reflect their activities.
 - c) The functions of the committee shall include but not be limited to the following:
 - 1) assist in the formulation of formulate rules and regulations relating to the selection, evaluation, distribution, and administration of drugs and medicines in the hospital;
 - 2) establish control and reporting procedures for the use of investigational (experimental, trial use) drugs and medicines;

DEPARTMENT OF PUBLIC HEALTH

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- 3) promote educational programs on drugs and drug therapy for the medical and nursing staffs and other appropriate personnel;
- 4) develop and update the Service Policy and Procedure Manual, the Hospital Formulary or Drug List;
- 5) review and act on recommendations, drug usage reports, medication error and/or other or incident reports, storage, distribution and administration of drugs;
- 6) to develop policies and procedures (which shall be approved by the Medical Staff and Board) to provide for the administration of identified drugs and medicines by qualified professional persons who are authorized by law to administer such drugs and medicines in the course of practicing their professions; and
- 7) establish the guidelines for the education, in-service training and supervision of all personnel administering drugs and medications.

(Source: Amended at 23 Ill. Reg. 13913, effective Nov 15 1999.)

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section 250.2470 Structural

- a) In addition to compliance with the Standards set forth in this Subpart, all applicable local or State building codes and regulations must be observed.
- b) The buildings and all parts thereof shall be of sufficient strength to support all dead, live, and lateral loads without exceeding the working stresses permitted for the materials of their construction in generally accepted good engineering practice.
- c) Special provision shall be made for machines or apparatus loads that which would cause a greater load than the specified minimum live load.
- d) Consideration shall be given to structural members and connections of structures that which may be subject to earthquakes or tornadoes. (See Section 250.2450(2).) Floor areas where partition locations are subject to change shall be designed to support for the partition, a uniformly distributed load of 25 p.s.f.
- e) Construction. Construction shall be in accordance with the requirements of National Fire Protection Association Standard No. 101 (1997 1994), "Life Safety Code," and the minimum requirements contained in this subsection (e) ~~herein~~.

1) Foundations shall rest on natural solid ground and shall be carried to a depth of not less than one foot below the estimated frost line or shall rest on leveled rock or load-bearing piles or caissons when solid ground is not encountered. Footings, piers, and foundation walls shall be adequately protected against deterioration from the action of ground water. Test borings shall be taken to establish proper soil-bearing values for the

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- soil at the building site.
- 2) Assumed live loads shall be in accordance with the BOCA National Building Code.
- 3) All hospitals ~~over-one-story-in-height~~ shall be of fire resistive construction. The fire resistance rating of the structural members shall be as established by NFPA 220 (1995 1992), "Standard Types of Building Construction," for Type I (332) construction.
- 4) Any additions to existing hospitals that are one story in height and of protected non-combustible construction may be constructed of protected non-combustible construction. The resistance rating of the structural members shall be as established by NFPA Standard No. 220 (1995 1992), "Standard Types of Building Construction" for Type II (222).

(Source: Amended at 23 Ill. Reg. 13913, effective Nov 15 1999.)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Pari-Mutuels

2) Code Citation: 11 Ill. Adm. Code 300

3) Section Number: Adopted Action:
300.40 Amendment
300.60 Amendment

4) Statutory Authority: 230 ILCS 5/9(b)

5) Effective Date of Amendment: November 2, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 23 Ill. Reg. 8621 - 7/30/99

10) Has JCAR issued a Statement of Objections to this amendment? No

11) Differences between proposal and final version: The main source note was corrected.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? Yes. Emergency amendments published at 23 Ill. Reg. 7772 - 7/9/99

14) Are there any other proposed amendments pending in this Part? No

15) Summary and purpose of amendment: This rulemaking is a result of the amendments to Section 20.1 and 26(h) of the Illinois Horse Racing Act, which in part removes the limitations on advanced wagering and the IRB's authority to regulate pari-mutuel wager prices. These amendments remove language contradictory to the Act.

16) Information and questions regarding these adopted amendments shall be directed to:
Gina DiCaro
Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601 (312) 814-5070

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NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER A: GENERAL RULES

PART 300

PARI-MUTUELS

Section

300.10 General

300.20 Records

300.30 Pari-Mutuel Tickets

300.40 Pari-Mutuel Wagers

300.50 Pari-Mutuel Races

300.60 Advanced Wagering

300.70 Scratches or Non-Starter

300.80 Pools Dependent Upon Betting Interests

300.90 Minimum Payoff

300.100 Pari-Mutuel Complaints

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 19 Ill. Reg. 13935, effective October 1, 1995; emergency amendment at 20 Ill. Reg. 12522, effective September 1, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 955, effective January 7, 1997; amended at 22 Ill. Reg. 7044, effective May 1, 1998; emergency amendment at 23 Ill. Reg. 7772, effective June 28, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13935, effective NOV-2-1999.

Section 300.40 Pari-Mutuel Wagers

a) ~~the minimum--pari-mutuel--wager--for--a--win--place--or--show--shall--be--\$27 unless--otherwise--approved--by--the--Board--the--minimum--pari-mutuel--wager for--all--other--pools--shall--not--exceed--\$37--not--be--less--than--\$17--unless otherwise--approved--by--the--Board.~~

a) ~~by~~ All organization, intertrack and intertrack wagering location licensees shall offer the same types of pari-mutuel pools and minimum pari-mutuel prices at both manned and unmanned terminals, unless specifically restricted by Board rule (e.g., tickets may not be exchanged at unmanned ticket issuing machines),

b) ~~by~~ All intertrack wagering facilities shall establish and maintain minimum purchase prices of pari-mutuel wagers that are the same as those offered by the organization licensee providing the simulcast.

c) ~~by~~ All organization licensees shall require out-of-state wagering facilities to maintain the same minimum purchase prices of pari-mutuel wagers established for Illinois licensees. If it is determined that

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an out-of-state wagering facility has not maintained the same minimum purchase price of pari-mutuel wagers, the organization licensee shall be subject to civil penalties pursuant to Section 5/9(l) of the Act [230 ILCS 5/9(l)]. This Section shall apply only to organization licensees conducting commingled or combined wagering pools with out-of-state wagering facilities.

d) ~~by~~ All intertrack wagering facilities shall offer the same pari-mutuel pools as offered by the organization providing the simulcast.

(Source: Amended at 23 Ill. Reg. 13935, effective NOV-2-1999.)

Section 300.60 Advanced Wagering

a) A licensee may permit advanced wagering on races up-to-two-days prior to the day the race occurs,

b) The host track and/or organization licensee shall submit to the State Pari-Mutuel Auditor a totalizator system report reflecting any advanced wagers from previous days to be added to that day's pari-mutuel pools.

(Source: Amended at 23 Ill. Reg. 13935, effective NOV-2-1999.)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Race Track Operators and Their Duties

2) Code Citation: 11 Ill. Adm. Code 1305

3) Section Number: Adopted Action:
1305.380 New Section

4) Statutory Authority: 230 ILCS 5/9(b)

5) Effective Date of Amendment: November 2, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 23 Ill. Reg. 8631 - 7/30/99

10) Has JCAR issued a Statement of Objections to this amendment? No

11) Differences between proposal and final version: In the "Table of Contents, "Notice" was changed to "Notification". The ILCS citation was corrected. In line 2 of the Section text, "such" was changed to "the". In the Section Source Note, "Amended" was changed to "Added".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? Yes. Emergency amendments published at 23 Ill. Reg. 7776 - 7/9/99.

14) Are there any other proposed amendments pending in this Part? No

15) Summary and purpose of amendments: This rulemaking is a result of the amendment to Section 20.1 of the Illinois Horse Racing Act that allows an organization licensee to change hours of operation upon notice to the IRB. This rulemaking establishes written notification and filing requirement.

16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601
312/814-5070

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The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
 SUBTITLE B: HORSE RACING
 CHAPTER 1: ILLINOIS RACING BOARD
 SUBCHAPTER f: RULES AND REGULATIONS OF HARNES RACING

PART 1305

RACE TRACK OPERATIONS AND THEIR DUTIES

Section	
1305.10	Definition of Race Track Operator
1305.20	Application
1305.30	Time for Filing Applications
1305.40	Conditions of License
1305.45	Lease of Race Track (Repealed)
1305.50	Written Disclosure
1305.55	Written Disclosure for Corporations
1305.60	Notice of Changes
1305.70	Political Contributions
1305.80	Termination of License
1305.90	Wagering On Races Conducted off of Premises
1305.100	Reciprocal Suspensions
1305.110	Horse Ambulance
1305.120	Ambulance of Racing Strip (Repealed)
1305.130	First Aid Station (Repealed)
1305.140	Medical Services
1305.150	Illinois Racing Board Office
1305.170	Moving Office (Repealed)
1305.180	Judge's Stand
1305.190	Driver's Bench
1305.200	Stabling of Horses
1305.220	Stall Numbers and Distance Poles
1305.230	Licensed Outrider
1305.240	Drinking Fountains and Rest Rooms
1305.250	Telephones
1305.260	Broadcasting and Telecasting
1305.270	Pest Control
1305.280	Alcohol Sales
1305.290	Track Lights
1305.300	Fire Prevention
1305.310	Backstretch Paging System
1305.320	Admissions
1305.330	Inspection Report
1305.340	Lottery Events at Race Tracks
1305.350	Off-Track Betting Agencies of Other States
1305.370	Reporting of Horsemen's Purse Account
1305.380	Notification of Change in Hours of Operation

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse

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Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended October 9, 1973, filed October 19, 1973; amended October 25, 1973, filed December 17, 1973; amended February 15, 1974, filed February 28, 1974; amended October 25, 1974, filed November 7, 1974; added May 9, 1975, filed May 15, 1975; amended August 21, 1976, filed August 21, 1976, filed August 30, 1976; amended at 2 Ill. Reg. 27, p. 275, effective July 10, 1978; amended at 4 Ill. Reg. 21, p. 85, effective May 9, 1980; codified at 5 Ill. Reg. 10923; amended at 6 Ill. Reg. 11063, effective September 1, 1982; amended at 9 Ill. Reg. 9165, effective May 30, 1985; amended at 14 Ill. Reg. 20032, effective December 4, 1990; amended at 17 Ill. Reg. 3034, effective February 23, 1993; emergency amendment at 23 Ill. Reg. 7776, effective June 28, 1999, to a maximum of 150 days; amended at 23 Ill. Reg. 13939, effective NOV 2 1999.

Section 1305.380 Notification of Change in Hours of Operation

Each organization licensee shall have the authority to change its hours of operation if the hours are different than provided in the licensee's racing dates application subject to notification to the Board. The notification shall be made in writing and submitted to the Board's central office at least 30 days prior to the anticipated change of hours of operation.

(Source: added at 23 Ill. Reg. 13939, effective NOV 2 1999.)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Regulations for Meetings

2) Code Citation: 11 Ill. Adm. Code 1424

3) Section Number: 1424.360
Adopted Action:
New Section

4) Statutory Authority: 230 ILCS 5/9(b)

5) Effective Date of Amendment: November 2, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 23 Ill. Reg. 8635 - 7/30/99

10) Has JCAR issued a Statement of Objections to this amendment? No

11) Differences between proposal and final version: The Authority Note was corrected. In line 2 of the Section text, "such" was changed to "the". In the Section Source Note, "Amended" was changed to "Added".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? Yes. Emergency amendment published at 23 Ill. Reg. 7779 - 7/9/99.

14) Are there any other proposed amendments pending in this Part? No

15) Summary and purpose of amendments: This rulemaking is a result of the amendment to Section 20.1 of the Illinois Horse Racing Act that allows an organization licensee to change hours of operation upon notice to the IRB. This rulemaking establishes written notification and filing requirements.

16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro
Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601 (312) 814-5070

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NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 11: ILLINOIS RACING BOARD

SUBCHAPTER 9: RULES AND REGULATIONS OF HORSE RACING (THOROUGHBRED)

PART 1424

REGULATIONS FOR MEETINGS

Section

1424.10 Illinois Racing Board Right of Entry

1424.20 Office for Racing Board

1424.25 Moving Offices (Repealed)

1424.40 Inspections and Searches

1424.45 Investigative Authority

1424.50 Allocation of Stalls

1424.55 AGID (Coggins) Test

1424.60 Distance Poles

1424.70 Arrivals, Departures and Stabling

1424.80 Departure Slips

1424.90 Horse Ambulance

1424.100 Races Per Day (Repealed)

1424.110 Extra Races

1424.120 Clockers

1424.125 Outriders

1424.140 Safety Rails

1424.150 Backstretch Paging System

1424.160 Camera

1424.170 Medical Services

1424.175 Manned Ambulance (Repealed)

1424.180 Policing of Premises

1424.190 Stable Area Security

1424.200 Stable Area Security

1424.210 Security Reports

1424.220 Night Patrol

1424.230 Telephones

1424.240 Calls Through Switchboard (Repealed)

1424.250 Races for Illinois Horses

1424.260 Breeder Awards

1424.270 Admissions to Parts of Premises

1424.280 Stable Areas Fenced

1424.290 Merchandise Selling

1424.300 Tip Sheets

1424.310 Alcoholic Beverages

1424.320 Jockey Quarters

1424.330 Water Supply and Washrooms

1424.340 Drug Vendors

1424.350 Seven Day Rule

1424.353 Penalty for Violation of Rules

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1424.355 Stall Availability Prior to Meet

1424.360 Notification of Change in Hours of Operation

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); added October 25, 1973, filed November 26, 1973; added August 8, 1973; amended February 15, 1974, filed February 28, 1974; amended April 11, 1974, filed April 30, 1974; amended July 12, 1974, filed July 22, 1974; amended October 25, 1974, filed November 7, 1974; amended March 14, 1975, filed and effective March 27, 1975; amended May 9, 1975, filed May 15, 1975; amended June 19, 1976, filed June 25, 1976; amended December 9, 1977, filed December 29, 1977; amended 4 11. Reg. 41, p. 164, effective September 26, 1980; codified at 5 11. Reg. 10956; amended at 8 11. Reg. 12460, effective June 27, 1984; amended at 9 11. Reg. 9166, effective May 30, 1985; amended at 14 11. Reg. 20545, effective December 7, 1990; amended at 16 11. Reg. 7493, effective April 24, 1992; amended at 16 11. Reg. 11193, effective June 25, 1992; amended at 17 11. Reg. 3038, effective February 23, 1993; emergency amendment at 23 11. Reg. 7779, effective June 28, 1999, for a maximum of 150 days; amended at 23 11. Reg. 13943, effective NOV-2-1999.

Section 1424.360 Notification of Change in Hours of Operation

Each organization licensee shall have the authority to change its hours of operation if the hours are different than provided in the licensee's racing dates application subject to notification to the Board. The notification shall be made in writing and submitted to the Board's central office at least 30 days prior to the anticipated change of hours of operation.

(Source: Added at 23 11. Reg. 13943, effective NOV-2-1999)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Numbers:
1030.86
Adopted Action:
Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)] and Chapter 6 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6].
- 5) Effective Date of Rulemaking: November 8, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 23 Ill. Reg. 8962 (August 13, 1999).
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? Yes.
It will replace an emergency amendment that became effective August 1, 1999 for a maximum of 150 days and was published at 23 Ill. Reg. 9552 (August 13, 1999).
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Adopted Action</u>	<u>Illinois Register Citation</u>
1030.97	Amendment	23 Ill. Reg. 11504 (September 17, 1999)
1030.98	Amendment	23 Ill. Reg. 11504 (September 17, 1999)

- 15) Summary and Purpose of Amendment: This rulemaking is being amended to establish and clarify standards and guidelines for the procedure to be followed when an applicant fails any written or road test administered as part of the CDL process. There is a growing concern that unqualified

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applicants may obtain a CDL by sheer repetition of the testing process. This proposed rulemaking is designed to protect public safety, to ensure that unqualified individuals do not obtain a CDL. The establishment of waiting periods provides applicants an opportunity to re-examine their skills, as well as the requirements for the classification of the license they are seeking, while at the same time protecting the public from an unqualified CDL driver.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Robert W. Mueller
Office of the Secretary of State
Assistant General Counsel
Driver Services Department
2701 S. Dirksen Parkway
(217)782-5356

The full text of the adopted amendment begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER 11: SECRETARY OF STATE

PART 1030

ISSUANCE OF LICENSES

What Persons Shall Not be Licensed or Granted Permits

1030.11 Procedure for Obtaining a Driver's License

1030.12 Driver's License Medical Advisory Board

1030.13 Denial of License or Permit

1030.15 Cite for Re-examination

Physical and Mental Evaluation

1030.17 Errors in Issuance of Driver's License/Cancellation

1030.18 Medical Criteria Affecting Driver Performance

1030.20 Classification of Drivers-References

1030.30 Classification Standards

1030.40 Fifth Wheel Equipped Trucks

Bus Driver's Authority, Religious Organization and Senior Citizen

1030.50 Transportation

Commuter Van Driver Operating a For-Profit Ridesharing Arrangement

1030.55 ~~Third-Early Employer~~ Certification Program

1030.60 Religious Exemption for Social Security Numbers

1030.63 Instruction Permits

1030.65 Driver's License Testing/Vision Screening

1030.70 Driver's License Testing/Vision Screening with Vision Aid

Arrangements Other Than Standard Eye Glasses or Contact Lens(es)

1030.75 Driver's License Testing/Written Test

Endorsements

Vehicle Inspection

1030.80 Driver's License Testing/Road Test

1030.84 Multiple Attempts - ~~Written And/or Road Tests~~ ~~Test~~

1030.86 Exemption of Facility Administered Road Test

1030.88 Temporary Licenses

Requirement For Photograph and Signature of Licensee on Driver's

1030.89 License

Disabled Person/Handicapped Identification Card

1030.90 Restrictions

1030.91 Restricted Local Licenses

1030.92 Duplicate or Corrected Driver's License or Instruction Permit

1030.94 Consular Licenses

1030.95 Restricted Commercial Driver's License

1030.96 Revalidation of a Driver's License or Permit

1030.97 School Bus Commercial Driver's License

1030.98 Anatomical Gift Donor

1030.100 Agency Medical Information Card

1030.110 Change-of-Address

1030.115 Issuance of a Probationary License

1030.120

1030.130 Grounds for Cancellation of a Probationary License
APPENDIX A Questions Asked of a Driver's License Applicant
APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (625 ILCS 5/Ch. 6, Art. I) and authorized by Sections 2-104(b) and 6-521(a) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (625 ILCS 5/2-104(b)) and 6-521(a)).

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10310, effective June 16, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 7, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended

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at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective NOV - 8 1999.

Section 1030.86 Multiple Attempts - ~~Written and/or Road Tests Test~~

- a) For purposes of this Section, the following definitions shall apply:

"Applicant" - person applying for or renewing an Illinois driver's license.

"Department" - Department of Driver Services within the Office of the Secretary of State.

~~"Licensed-Physician" - a person licensed under the Medical Practice Act of 1987 (225 ILCS 50/), or similar law of another jurisdiction, to practice medicine in all of its branches.~~

~~"Competent Medical Specialist" - a person licensed under the Medical Practice Act of 1987 (225 ILCS 50/), or similar law of another jurisdiction, to practice medicine in all of its branches.~~

"Road Test" - an actual demonstration of the applicant's ability to operate a motor vehicle as required by Section 6-109 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (23 Ill. Reg. Stat. 1991, ch. 95-1/27 par. 6-109) [625 ILCS 5/6-109].

"Waiting Period" - that period for which an individual is ineligible to make an application for an Illinois driver's license or commercial driver's license.

"Written Test" - as defined in Sections 1030.80 and 1030.81 of this Part.

- b) The fee to obtain a driver's license required by Section 6-118 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (23 Ill. Reg. Stat. 1991, ch. 95-1/27 par. 6-118) [625 ILCS 5/6-118] shall entitle a person to a total of 3 ~~three~~ attempts to pass the written and/or road tests ~~test~~ within a 1 year ~~one-year~~ period starting from the date of the first attempt. The first attempt is counted as one of the 3 ~~three~~ attempts as provided for in Section 6-106 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (23 Ill. Reg. Stat. 1991, ch. 95-1/27 par. 6-106) [625 ILCS 5/6-106].

- c) An applicant for an Illinois commercial driver's license (CDL) that fails the written and/or road tests after a third attempt shall be

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- d) prohibited from re-examination for a period of 1 month.
An applicant for an Illinois commercial driver's license (CDL) that submits a new application after the 1 month waiting period specified in subsection (c) of this Section shall be allowed 3 attempts to successfully complete the written and/or road tests. Failure to successfully pass the written and/or road tests shall result in a waiting period of 3 months.

- e) An applicant for an Illinois commercial driver's license (CDL) that submits a new application after the 3 months waiting period specified in subsection (d) of this Section shall be allowed 3 attempts to successfully complete the written and/or road tests. Failure to successfully pass the written and/or road tests shall result in a waiting period of 1 year.

- f) ~~e) An applicant for an Illinois driver's license may be allowed to attempt the written and/or road tests test a second time after a failure in the same day during normal business hours of the Driver Services Facility if he/she fails the first attempt to pass the written and/or road tests test. However, if the applicant demonstrates a danger to public safety during his first attempt to pass a written and/or road tests test, he/she will not be allowed a second attempt during the same day. An applicant will not be allowed to make a third or subsequent attempt to pass a road test on the same day in which he/she failed the previous attempt. If an applicant fails the road test 5 six-(6) times, he/she will not be permitted to attempt the road test a seventh time until he/she submits to the Department a medical report from a competent medical specialist licensed-physician stating that he/she is physically and mentally able to safely operate a motor vehicle as provided for in Sections 6-103(8) and 6-109(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (23 Ill. Reg. Stat. 1991, ch. 95-1/27 par. 6-103(8) and 6-109(b)) [625 ILCS 5/6-103(8) and 6-109(b)]. An applicant shall be exempt from the requirement of filing a medical report if he/she has within the previous 3 three-(3) months filed a favorable medical report with the Department. If an applicant fails the road test a seventh or subsequent time, he/she must wait until the next business day before attempting the test again.~~

- g) ~~d) The provisions of this Section do not apply to applicants who are upgrading their driver's license classification.~~

(Source: Amended at 23 Ill. Reg. 13947, effective NOV - 8 1999.)

ILLINOIS SECRETARY OF STATE
NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 2000
- 3) Section Number
2000.2020
- 4) Statutory Authority: The Illinois Procurement Code [30 ILCS 500]
- 5) Effective Date of Amendment: November 8, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed amendment published in Illinois Register: May 14, 1999, 23 Ill. Reg. 5640
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposed amendment and final version: There are no differences between the proposed amendment and the final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace emergency amendments currently in effect? No
- 14) Are there any proposed amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Section 2000.2020 increases the agency's small purchase procurements limit from \$10,000 to \$25,000 for supplies and/or services, other than professional and artistic.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Carol Lampard
Director, Budget & Fiscal Mgmt.
Secretary of State
124 Woodlawn Bldg.
Springfield, IL 62756
217/782-4892

ILLINOIS SECRETARY OF STATE
NOTICE OF ADOPTED AMENDMENT

The full text of the adopted amendment begins on the next page:

ILLINOIS SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XXV: SECRETARY OF STATE

PART 2000

STANDARD PROCUREMENT

SUBPART A: GENERAL

Section
2000.01
2000.05
2000.08
2000.10
2000.15
2000.25

Title
Policy
Illinois Procurement Code
Application
Definition of Terms Used in This Part
Property Rights

SUBPART B: PROCUREMENT RULES

Section
2000.525

Rules

SUBPART C: PROCUREMENT AUTHORITY

Section
2000.1005

Conduct of Procurements

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section
2000.1510
2000.1560
2000.1570
2000.1580

Illinois Procurement Bulletin
Supplemental Notice
Error in Notice
Direct Solicitation

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section
2000.2005
2000.2010
2000.2012
2000.2015
2000.2020
2000.2025
2000.2030
2000.2035
2000.2036

General Provisions
Competitive Sealed Bidding
Multi-Step Sealed Bidding
Competitive Sealed Proposals
Small Purchases
Sole Economically Feasible Source Procurement
Emergency Procurements
Competitive Selection
Artistic Services
Other Methods of Source Selection

and

Professional
Procedures
for
Procurement
Services

ILLINOIS SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

Tie Bids and Proposals
Mistakes
Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section
2000.2043
2000.2044
2000.2045
2000.2046

Suppliers
Vendor List/Required Use
Prequalification
Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section
2000.2047

Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

Section
2000.2050

Specifications and Samples

SUBPART I: CONTRACT TYPE

Section
2000.2055

Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section
2000.2060

Duration of Contracts - General

SUBPART K: CONTRACT MATTERS

Section
2000.2560
2000.2570

Prevailing Wage
Equal Employment Opportunity; Affirmative Action

SUBPART L: CONTRACT PRICING

Section
2000.2800

All Costs Included

SUBPART M: CONSTRUCTION AND CONSTRUCTION RELATED PROFESSIONAL SERVICES

Section
2000.3005

Construction and Construction Related Professional Services

ILLINOIS SECRETARY OF STATE
NOTICE OF ADOPTED AMENDMENT

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section
2000.4000 Applicability
2000.4005 Requests for Space/Department Responsibilities
2000.4010 General Acquisition Procedures
2000.4015 Acquisition of Leases by RFI
2000.4020 Leases Acquired by Other Methods
2000.4025 Renewal or Extension of Lease in Effect Prior to July 1, 1998
2000.4030 Renewal of Leases Entered into After July 1, 1998
2000.4035 Purchase Options
2000.4040 Lease Administration
2000.4045 Emergency Lease Procurement

SUBPART O: PREFERENCES

Section
2000.4505 Procurement Preferences
2000.4510 Resident Bidder Preference
2000.4530 Correctional Industries
2000.4535 Sheltered Workshops for the Disabled
2000.4540 Gas Mileage
2000.4545 Small Business
2000.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

SUBPART P: ETHICS

Section
2000.5013 Conflicts of Interest
2000.5015 Negotiations for Future Employment
2000.5020 Exemptions
2000.5030 Revolving Door
2000.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

SUBPART Q: CONCESSIONS

Section
2000.5310 Concessions

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

Section
2000.5510 Complaints Against Vendors
2000.5520 Suspension
2000.5530 Resolution of Contract Controversies
2000.5540 Violation of Statute or Rule

ILLINOIS SECRETARY OF STATE
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2000.5550 Protests

SUBPART S: SUPPLY MANAGEMENT AND DISPOSITIONS

Section
2000.6010 Supply Management and Dispositions

SUBPART T: GOVERNMENTAL JOINT PURCHASING

Section
2000.6500 General
2000.6510 No Agency Relationship

SUBPART U: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section
2000.7000 Severability
2000.7010 Government Furnished Property
2000.7015 Inspections
2000.7020 Records and Audits
2000.7025 Written Determinations
2000.7030 No Waiver of Sovereign Immunity

AUTHORITY: The Illinois Procurement Code [30 ILCS 500] (see P.A. 90-572).

SOURCE: Emergency rule adopted at 22 Ill. Reg. 12208, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 20306, effective November 9, 1998; emergency amendment at 23 Ill. Reg. 5911, effective April 30, 1999, for a maximum of 150 days; emergency expired September 26, 1999; amended at 23 Ill. Reg. 13953, effective NOV - 8 1999.

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section 2000.2020 Small Purchases

- a) Application
- 1) Procurements of \$25,000 ~~940-000~~ or less for supplies or services, other than professional and artistic, and \$30,000 or less for construction may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.
 - 2) Procurements of less than \$20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.
- b) In determining whether a contract is under the limit, the value of the contract for the full term and all optional renewals, determined in

ILLINOIS SECRETARY OF STATE

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good faith, shall be utilized. The stated value of the supplies or services, plus any optional supplies and services, shall be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount shall be calculated for a twelve month period.

- c) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not to exceed limit applicable to the type of procurement (see subsection (a) above).
- d) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the Procurement Officer determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the Procurement Officer must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.
- e) Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.
- f) If there is a repetitive need for small procurements of the same type, the Procurement Officer shall consider issuing a competitive sealed bid or proposal for procurement of those needs.

(Source: Amended at 23 Ill. Reg. 13953, effective NOV - 8 1999)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC HEARING ON PROPOSED RULE

- 1) Heading of the Part: Administration of Medications in Community Settings
- 2) Code Citation: 59 Ill. Adm. Code 116
- 3) Register Citation to Notice of Proposed Rules: 23 Ill. Reg. 11812 (October 1, 1999)

4) Date, Time and Location of Public Hearing:

Monday, December 20, 1999
10:00 A.M. - 12:00 P.M.
State of Illinois Building
160 North LaSalle, Room N-502
Chicago, Illinois

- 5) Other Pertinent Information: The hearing will be held for the sole purpose of gathering public comments on the proposed Rule. Persons interested in presenting testimony at this hearing are advised that the Illinois Department of Human Services will adhere to the following procedures in the conduct of the hearing:

- 1) No oral testimony shall exceed an aggregate of ten (10) minutes. All persons wishing to provide oral testimony must register by 11:00 A.M.
- 2) Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
- 3) No person will be recognized to speak for a second time until all persons wishing to testify have done so.
- 4) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedure, including the order of call of witnesses, as he/she deems necessary.
- 5) Persons requiring reasonable accommodations due to disability must contact the Bureau of Administrative Rules and Procedures by December 10, 1999.

- 6) Name and Address of Agency Contact Person: Questions regarding these proposed rules or the public hearing shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC HEARING ON PROPOSED RULE

Springfield, Illinois 62762

(217) 785-9772

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 2, 1999, through November 8, 1999 and have been scheduled for review by the Committee at its December 14, 1999 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
12/17/99	Department of Central Management Services, The Travel Regulation Council (80 Ill Adm Code 3000)	8/20/99 23 Ill Reg 9592	12/14/99
12/17/99	Department of Central Management Services, The Travel Regulation Council (80 Ill Adm Code 3000)	9/10/99 23 Ill Reg 10905	12/14/99
12/17/99	Office of the State Fire Marshal, Compliance Certification for Underground Storage Tanks (41 Ill Adm Code 171)	12/28/98 22 Ill Reg 22158	12/14/99

PROCLAMATION

99-482

PANCREATIC CANCER AWARENESS MONTH

WHEREAS, the good health and well-being of Illinoisans is enhanced as a direct result of efforts to spread awareness about pancreatic cancer; and

WHEREAS, this year alone more than 25,000 in the United States will be diagnosed with pancreatic cancer; and

WHEREAS, increased research developments lead to better methods of early detection and effective treatments; and

WHEREAS, it is important to educate people to recognize the symptoms of pancreatic cancer, some of which are pain in the upper abdomen, jaundice, weight loss and indigestion; and

WHEREAS, Illinois is the headquarters for the Great Lakes Chapter of the Pancreatic Cancer Action Network (PanCAN); and

WHEREAS, the month of November was chosen to coincide with PanCAN's annual fundraiser, "An Evening With The Stars"; and

WHEREAS, PanCAN has the support of many Illinoisans, including the family of the late Cardinal Joseph Bernardin;

WHEREAS, the State of Illinois applauds the valuable role in which families and advocates of pancreatic cancer victims play in helping advance the fight against the disease;

THEREFORE, I, George H. Ryan, Governor of State of Illinois, do hereby proclaim November 1999 as **PANCREATIC CANCER AWARENESS MONTH** in Illinois.

Issued by the Governor October 20, 1999.
Filed by the Secretary of State November 2, 1999.

99-483

COAST GUARD RECOGNITION DAY

WHEREAS, the one year anniversary approaches of two large disasters for Davenport and the surrounding Quad Cities, namely the grounding of the Motor vessel MARY L and subsequent oil spill and the diesel fuel spill, from the Motor Vessel ARROWHEAD; and

WHEREAS, the U.S. Coast Guard Marine Safety Detachment's presence in our community has protected the Mississippi River from potentially devastating pollution spills with their diligent watch and quick response to disasters such as the MARY L and the ARROWHEAD; and

WHEREAS, the Marine Safety Detachment has kept our waters safe for all who work, play, and transit the Mississippi, Illinois and Missouri Rivers by inspecting the tugs, barges, fueling facilities, and casino boats; and

WHEREAS, the men and women of the Coast Guard, Coast Guard Reserve, and Coast Guard Auxiliary have insured the safety for thousands of spectators who attend the hundreds of fireworks displays, boat races, regattas, and festivals up and down the rivers every year;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 29, 1999, as **COAST GUARD RECOGNITION DAY** in Illinois.

Issued by the Governor October 21, 1999.
Filed by the Secretary of State November 2, 1999.

99-484

DELORIS JORDAN DAY

WHEREAS, Deloris Jordan grew up in Pender County, North Carolina, wife of the late James R. Jordan and mother of the five loving and successful children: James, Delois, Larry, Michael and Roslyn; and

WHEREAS, Deloris Jordan has established herself as a public speaker, author, businesswoman and philanthropist; and

WHEREAS, her book *Family First: Winning the Parenting Game* outlines her Seven Principles of Parenting -- be there, accept change, communicate, show love, make your home a safe haven, build a parenting team, and give your children lasting gifts of character; and

WHEREAS, Mrs. Jordan currently serves on several boards including LaRbida Children's Hospital and Research Center, The Jordan Family Institute, Sinai Community Institute, Audrey Hepburn Hollywood for Children Foundation, James Jordan Boys and Girls & Family Life Center (Honorary Chair), Foundation for Peace and Stability in Liberia, Inc., University Chapel Hill School of Social Work (Honorary Chair) and Jordan Universal Marketing Products, Inc. (J.U.M.P.); and

WHEREAS, Mrs. Jordan will be honored at the 1999 Raoul Wallenberg Humanitarian Award reception and dinner on October 24, 1999, at the Drake Hotel's Gold Coast Room; and

WHEREAS, Mrs. Jordan will lead a group of family and friends to Shaare Zedek in March 2000 to dedicate her award;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 24, 1999, as **DELORIS JORDAN DAY** in Illinois.

Issued by the Governor October 21, 1999.
Filed by the Secretary of State November 2, 1999.

99-485

LEONARD W. SAPP DAY

WHEREAS, Leonard W. Sapp was born November 21, 1919, in Caneyville, Kentucky, the son of Carl and Daisie Sapp and the eldest of five children. When Leonard was nine years-old, his family moved to Illinois. He graduated from Springfield High School in 1939, then served in the U.S. Navy during World War II; and

WHEREAS, on November 21, 1940, he married Lola Lovene Jostes in Auburn. They are the parents of three children and their spouses: Lois Lee Sapp Collins, Lola Lynn Sapp Garrison, and Larry Wayne Sapp. They are the grandparents of seven grandchildren and seven great-grandchildren; and

WHEREAS, Mr. Sapp is founder and president of Leonard W. Sapp and Associates, Inc. and Lincoln Land Development Company. Since 1956, Leonard Sapp's extensive experience in the successful completion of numerous commercial, retail, office, and residential developments has helped the Springfield area community and economy grow, created thousands of jobs, and improved the quality of life and work for central Illinois residents; and

WHEREAS, Mr. Sapp served as president of the Springfield Home Builders Association, the Springfield Multiple Listing Service, and the Springfield Board of Realtors. He served as Director of the Springfield Chamber of Commerce and Sangamon Bank and Trust. He was named 1984 Realtor of the Year, 1994 Real Estate Developer of the Year, and he was inducted into the

Springfield Realtor's Hall of Fame in 1988; and

WHEREAS, for many years, Leonard has been actively involved as a member of the Westside Christian Church where he serves as a Deacon and on the Board of Directors. He constantly strives to improve the quality of life for the people of Springfield, and his dedication and commitment to personal and financial support of several community service organizations and charities have helped countless people over the years. Leonard's joyful disposition, his faith in God, and his service and love for people have made him an inspiration and a blessing to all who know him; and

WHEREAS, on October 23, 1999, family and friends will gather in Springfield to celebrate Leonard's 80th birthday at a party given in his honor; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 21, 1999, as **LEONARD W. SAPP DAY** in Illinois.

Issued by the Governor October 21, 1999.

Filed by the Secretary of State November 2, 1999.

99-486

CHICAGO CHILD CARE SOCIETY DAY

WHEREAS, since 1849, the Chicago Child Care Society has sought to meet the challenging needs of society's children at risk; and

WHEREAS, the Chicago Child Care Society exists to protect vulnerable children and strengthen their families; and

WHEREAS, children should be provided with services and opportunities that will enable them to reach their optimum physical, mental and social development; and

WHEREAS, all children are entitled to the protection and nurturing of caring adults; and

WHEREAS, the Chicago Child Care Society offers a variety of programs ranging from foster care, adoption, counseling, research, development centers, and comprehensive care centers; and

WHEREAS, Hillary Rodham Clinton is the Honorary Chairman for Chicago's Child Care Society sesquicentennial anniversary, celebrating, and the theme of "150 Years . . . Changing Children Lives";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 9, 1999, as **CHICAGO CHILD CARE SOCIETY DAY** in Illinois.

Issued by the Governor October 22, 1999.

Filed by the Secretary of State November 2, 1999.

99-487

CAREER DEVELOPMENT MONTH

WHEREAS, career development is an essential part of Illinois' education process, helping to bridge the gap between school and business, industry and labor; and

WHEREAS, career development helps individuals understand, select and train for those occupations that will provide careers in the increasingly challenging labor market in the future; and

WHEREAS, individuals may change careers or need to be retrained several times making career development a life-long process that reaches far beyond the schools; and

WHEREAS, the State of Illinois continues to emphasize career development

for all people to assist them in preparing for the future through the Education-to-Careers initiative, the welfare to work initiative and the Illinois Employment and Training Center network;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 1999 as **CAREER DEVELOPMENT MONTH** in Illinois, with the theme "Career Development for the 21st Century" in recognition of the importance of this field to workforce preparation.

Issued by the Governor October 25, 1999.

Filed by the Secretary of State November 2, 1999.

99-488

DON HAKES DAY

WHEREAS, as a former Hall of Fame football and baseball player at Bradley University, Don Hakes has distinguished himself as an outstanding official in both basketball and football; and

WHEREAS, the former coach and Dean of Students at Fractional North High School in Calumet City began his officiating career in 1957 and is still active in basketball after retiring from the NFL in 1998; and

WHEREAS, he has worked the Illinois State Tournament since 1964 and worked the Class AA State Finals in 1981, 1982, and 1983 at the Assembly Hall; and the Illinois Basketball Coaches Hall of Fame in 1997; and

WHEREAS, for his efforts in basketball, Don Hakes was elected to the Big 10 Conference, after working many years as a prep official, Don was hired by the Rose Bowl in 1975 and the Orange Bowl in 1976; and

WHEREAS, in 1977, Don Hakes was hired by the NFL, where he was an outstanding official for many years and he officiated in three Super Bowls, in 1982, 1986, and 1999; and

WHEREAS, for his outstanding career as an athlete, official, and role model for young people, he was unanimously elected to Bradley University's Athletic Hall of Fame and will be honored at the Bradley University Chicago Tip-Off Luncheon on Wednesday November 3;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 3, 1999, as **DON HAKES DAY** in Illinois.

Issued by the Governor October 25, 1999.

Filed by the Secretary of State November 2, 1999.

99-489

FAMILY AND CONSUMER SCIENCES WEEK

WHEREAS, the Illinois Association of Family and Consumer Sciences (IAFCS) provides information on how new national standards for family and consumer services will affect both educators and employers; and

WHEREAS, the IAFCS, founded in 1909, provides information on how we raise our children, on how we teach, on community programs and on many other topics; and

WHEREAS, IAFCS stresses the importance of public involvement for family and consumer sciences professionals as they work towards solving community and intergenerational issues; and

WHEREAS, individuals are taught how they can make a difference in the workplace, school, community and family through IAFCS activities; and

WHEREAS, IARCS will be holding its 1999 Annual Conference on November 5 and 6 at the Schaumburg Marriott Hotel;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim, November 1-6, 1999, as **FAMILY AND CONSUMER SCIENCES WEEK** in Illinois.

Issued by the Governor October 25, 1999.

Filed by the Secretary of State November 2, 1999.

99-430

HISPANOCARE DAY

WHEREAS, formed in 1988 by the Illinois Masonic Medical Center, HISPANOCARE is a not-for-profit PPO network of nearly 300 bilingual providers; and

WHEREAS, the goal of HISPANOCARE is to provide quality, cost-effective healthcare to Chicago's Latino community in a culturally sensitive manner; and

WHEREAS, to fulfill its mission of community outreach and provide health care in a bilingual, bicultural, user friendly and quality atmosphere, HISPANOCARE coordinates community health fairs where preventative services such as mammography, HIV testing, diabetes testing, cholesterol checks, eye exams, foot exams, and thyroid screenings are offered free of charge; and

WHEREAS, another major component of HISPANOCARE's community outreach effort is educating the Latino community about health and means of promoting wellness and disease prevention; and

WHEREAS, HISPANOCARE's success is based upon an intimate understanding of Chicago's diverse Latino community and its ability to partner with hospitals, physicians, and other health care providers; and

WHEREAS, on November 13, 1999, HISPANOCARE, Inc. will celebrate its 11th annual gala "Nuestro Compromiso" at the Chicago Downtown Marriott;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 13, 1999, as **HISPANOCARE DAY** in Illinois.

Issued by the Governor October 25, 1999.

Filed by the Secretary of State November 2, 1999.

99-431

STAR DETECTIVE DAY

WHEREAS, the late Captain Luegenus Bratton, the son of a slave, migrated from Louisiana to Chicago as a young man; and

WHEREAS, Captain Luegenus Bratton founded the Star Detective & Security Agency, Inc. in the City of Chicago in 1923; and

WHEREAS, Star Detective Agency, Inc., has operated continuously and successfully under the descendants of Captain Bratton, first by his daughter, Vivian Wilson, and now by his granddaughter, Almeda Dunn; and

WHEREAS, Star Detective & Security Agency Inc., has provided employment to hundreds of Illinois citizens; and

WHEREAS, Star Detective & Security Agency Inc., has provided security and protection services to economic endeavors of all sizes, from "mom and pop" neighborhood stores to some of the largest corporations in the area; and

WHEREAS, Star Detective & Security Agency Inc., has demonstrated that business can be founded, owned and operated by members of the minority community and by women; and

WHEREAS, Star Detective & Security Agency Inc., will mark its Diamond

Jubilee at a gala dinner-dance on October 30, 1999;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 30, 1999, as **STAR DETECTIVE DAY** in Illinois in recognition of the contributions made by the Star Detective & Security Agency Inc.

Issued by the Governor October 25, 1999.

Filed by the Secretary of State November 2, 1999.

99-492

VII INTERNATIONAL HISPANIC MEDIA CONFERENCE DAYS

WHEREAS, people have used newspapers as a source of information about their communities and the world; and

WHEREAS, all the fascinating details of everyday life -- current events, politics, sports, disasters, -- can be found in our newspapers; and

WHEREAS, the members of the National Federation of Hispanic Owned Newspapers have made a significant contribution to this great American tradition and have strengthened the ties of the Hispanic American community; and

WHEREAS, the main goal of the conference is to unite the large variety of Spanish language newspapers in the United States and improve communication with corporate American and Hispanic civic and political leaders; and

WHEREAS, this year more than 70 publishers form all over the nation will attend the VII International Hispanic Media Conference to be held November 4-6 at the Wyndham Chicago Hotel;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim, November 4-6, 1999, as **VII INTERNATIONAL HISPANIC MEDIA CONFERENCE DAYS** in Illinois.

Issued by the Governor October 25, 1999.

Filed by the Secretary of State November 2, 1999.

99-493

HIGH TECH WEEK

WHEREAS, the State of Illinois supports the creation of a climate for business growth so that Illinois citizens will enjoy more jobs, better pay, and a stronger economy; and

WHEREAS, Illinois ranks third in the export of technology products and fourth in employment in high tech industries; and

WHEREAS, technology companies in Illinois employ approximately 368,000 people, one in 14 of all persons in the private sector, whose wages alone total an estimated \$17 billion annually; and

WHEREAS, there are now more than 2,000 computer companies in the greater Chicago area, lending credence to Illinois' leadership role and the driving force behind the rising technology economy in the Midwest; and

WHEREAS, Illinois is recognized nationally for its renowned research institutes and universities including the Fermi National Accelerator Laboratory, University of Illinois, Northwestern University, Illinois Institute of Technology, University of Chicago and Argonne National Laboratory; and

WHEREAS, on November 22, 1999, the annual High Tech Awards ceremony will be held;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 21-27, 1999, as **HIGH TECH WEEK** in Illinois.

Issued by the Governor October 26, 1999,
Filed by the Secretary of State November 2, 1999.

Rules acted upon during the calendar quarter from Issue 43 through Issue 52 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or natatale@ccgate.sos.state.il.us (Internet address).

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